[ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE MANUFACTURE, TESTING, SUPPLY, DELIVERY, OFF-LOADING AND ERECTION (IF REQUIRED) OF ESTIMATED QUANTITIES OF 132KV AND BELOW OF CURRENT TRANSFORMERS ON AN "AS AND WHEN REQUIRED" BASIS FOR PERIOD OF FIVE (5) YEARS FOR TRANSMISSION DIVISION

Tender number	MWP2222TX
Issue date	19 October 2023
Closing date and time	16 November 2023 at 10h00 SAST
Tender validity period	38 weeks from the closing date and time
Clarification meeting	There will be a non-compulsory tender clarification meeting via MS Teams as follows. Date: 01 November 2023 Time: 10h00 AM SAST Venue: MS Teams Please use the following link to join the meeting: Click here to join the meeting Meeting ID: 359 361 901 954 Passcode: 7iKV8K Download Teams | Join on the web Tender acknowledgement form to be submitted to yurisha.reddy@eskom.co.za containing email address.
Tenders are to be delivered to the following address on the stipulated closing date and time:	TENDER ADVICE CENTER (Eskom Retail Park) Eskom Holdings SOC Limited Megawatt Park Maxwell Drive, Extension 3 Sunninghill, Johannesburg South Africa, 2157

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for the manufacture, testing, supply, delivery, off-loading and erection (if required) of estimated quantities of 132kV and below Current Transformers on an "as and when required" basis for period of five (5) years for Transmission Division.

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

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

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the *Eskom Representative* named in the *Invitation* during the tender process. Tenderers must not in any way contact any Eskom employee who is involved in the tender during the tender process, either telephonically, by email or through private appointments before and after submitting tenders. Eskom employees not involved in this tender are not allowed to contact employees involved in this tender or provide information about the tender to potential tenderers.

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

Should the tenderer not be satisfied with a response from the *Eskom Representative* stated in the tender document, and would like to escalate, the tenderer may refer the issue with to the Procurement Manager identified in the letter of invitation through the buyer. Should the tenderer still be dissatisfied, it can then escalate the matter to the Middle Manager or Senior Manager Procurement.

Escalation of tender issues to the Group Executives or Group Chief Executive Officer is an avenue of last resort and tenderers should refrain from escalating tender issues to this level without following the escalation process set out above. Escalation not following the above process is not acceptable and will not be attended to.

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

1. Free of charge

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

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

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Yours faithfully

Lerato Morife

Middle Manager, Procurement

Date: 19/10/2023

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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	Acknowledgement form	Annexure A	Y
1.1.2	Tenderer's particulars	Annexure B	Y
1.1.3	Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	CPA Requirements for Local Goods/Services	Annexure D	Y
1.1.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
1.1.6	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure F	Y
1.1.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure G	Y
1.1.8	SBD 4 – Bidders Disclosure	Annexure H	Y
1.1.9	Eskom's Standard Conditions of tender	Attached	Y
1.1.10	Supplier Development Localisation & Industrialisation (SDL&I) Undertaking	Annexure I	Y
1.1.11	Vendors Non-Disclosure Agreement (NDA)	Attached	Y
1.1.12	Shipping Evaluation Form	Attached	Y
1.1.13	Price Schedule (PS5)	Attached	Y
1.1.14	Eskom list of acceptable Guarantors - October 2022	Attached	Y
1.1.15	Deductibles applicable to Eskom Insurance Policies for policy period 01 April 2023 to 31 March 2024	Attached	Y

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender is** not attached to the **Invitation to Tender;** then the tenderers are required to download this from www.eskom.co.za. The ***"Tender Data"*** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The *Employer* is **Eskom Holdings SOC Ltd** The Eskom Representative is: Name: Yurisha Pillay Tel: (011) 800 2735 E-mail: yurisha.reddy@eskom.co.za
1.3 Enquiry documents	The Invitation to tender number is: **MWP2222TX** See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the **whole/part** of the contract. Whole refers to the full scope of work (all the items) and part denotes part of the scope of work (some of the items).
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the *eligibility criteria* stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies. Tenderers are deemed **ineligible** to submit a ***tender*** if 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.

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	4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: 1. (a)they have a controlling partner/majority shareholder in common; or 2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. 10. Flagged suppliers **Ineligible tenderers will be disqualified.** FLAGGING OF SUPPLIERS: Flagging of a supplier is a process where a "flag" is placed on a supplier in respect of the following: a) Those suppliers implicated in serious misconduct by the Zondo Report or the SIU pending the finalisation of supplier disciplinary measures against these suppliers; and b) Other suppliers implicated in serious misconduct and a breach of the Eskom Supplier Integrity Pact by a forensic report or other source of credible information, such as the SAPS, the NPA, the SIU or other related source. The implications of this "flag" are as follows: o No new contracts or extension of existing contracts may be awarded to the supplier pending finalisation of supplier disciplinary processes against the supplier. Where such, the supplier's bid should be removed from any tender evaluation at the "eligibility" or "compliance" assessment stage of the evaluation.
2.2 -2.5 Tender Closing	The deadline for ***Tender*** submission is: Date: 16 November 2023 Time: 10h00 SAST **Late Tenders will not be accepted**

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	Tenders are to be submitted to the Eskom *tender box* at the following physical address: **THE TENDER OFFICE** Tender Advice Centre (Retail Centre) Eskom Megawatt Park 1 Maxwell Drive Sunninghill Johannesburg 2157
2.9 Copy of original tender	The tenderer must submit a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline and one (1) soft copy (USB flash drive) labelled in the same format as the hard copy of the original tender. Files should be labelled as follows: - Commercial - Finance - Technical - Quality - SHE The pricing schedule shall be included in the electronic submission in PDF format and original Microsoft excel format. NB: Tenderers shall ensure that all data is successfully saved to a USB flash drive. Eskom cannot accept missing information/data from Tenderers following tender closure. **Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.**
2.13 Tender Validity Period	The tender validity period is **38** weeks **Tenderers should hold tenders valid for acceptance by Eskom at any time within the validity period after the deadline for tender submission. Eskom may extend the validity period for a specified additional period. Should extension of validity be required by Eskom, tenderers agreeing to the request will not be required or permitted to modify a tender. If a tenderer modifies a tender, such a tender will be disqualified from the evaluation process.**
2.16 Site/clarification meetings	A non-compulsory clarification meeting with be held via MS Teams as follows: Date: 01 November 2023 Time: 10h00, South African Standard Time (SAST) Venue: MS Teams

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	Please use the following link to join the meeting: Click here to join the meeting Meeting ID: 359 361 901 954 Passcode: 7iKV8K Download Teams | Join on the web *Note: Tenderers are required to submit the tender acknowledgement form to yurisha.reddy@eskom.co.za containing the email address.* *All questions and clarifications pertaining to this enquiry will be in writing only and addressed via email to the Eskom Representative namely, yurisha.reddy@eskom.co.za. Answers will be uploaded on the National Treasury e-tender portal and Eskom tender bulletin only and no individual responses to tenderers will be send.*
2.17 Clarification on enquiry documents	The tenderer will notify the *Employer* of any clarifications required before the closing time for clarification queries, which is **5 (five)** working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are ***not allowed***.
2.31 Provision of security for performance	Should a tenderer be found to be financially not sound as a result of the financial analysis conducted and provision of security for performance is required, such tenderer will be notified as such. The names of two financial institutions that the tenderer will approach must be submitted when requested at the appropriate time.
3.4 Opening of tenders	Tenders **may not be** opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Prices will ***not be read out***.
3.9 Basic Compliance	Basic compliance for this invitation to tender are: 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.13 Functionality requirements	Functionality requirements are applicable as follows:

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Technical will form part of functionality. The technical evaluation procedure is specific for Current Transformers (CTs) of each voltage level due to different technical requirements. All bidders must submit complete documents required for the technical evaluation (Table 1). The evaluation procedure has three parts i.e., Desktop, Objective and Factory assessments. Factory assessment shall be undertaken post contract award, upon placement of the first order. All bidders who are supplying CTs to Eskom currently and have not changed their product and their manufacturing plant (factory) will be exempted from the technical evaluation, but they must still submit all required technical documents listed in Table 1 and complete the declaration form to indicate if there are changes to their product or not. Eskom will assess the changes and decide if the supplier qualifies or not.

I. Desktop Evaluation:

This part of the evaluation starts when submissions are opened for the first time. The evaluation is done using the documents listed in Table 1 below and is done by Technical Evaluation Team (TET) members.

Table 1: Required Technical Documents

Items	Required Documents
1	Completed Technical Schedule (A & B).
2	Deviations Schedule (only if there are deviations).
3	Outline Drawing for the CT
4	Outline Drawing of Insulator(s) used with the CT
5	Test Reports
6	Technical Manual addressing Packaging, Transportation, Installation, Storage & Maintenance.

The documents in table 1 are required to carry out the desktop evaluation and to award scores to prospective suppliers. NB: information submitted including test reports must be in English and units on drawings must be in System International (SI) units. If the original test report is not in English, it must be translated to English and both the original report, and the translated report must be submitted.

Desktop evaluation will have a total allocation of 100 percentage points. Out of the 100 percentage points, 50 percentage points will be based on documents and the other 50 percent points will be based on test reports as captured in table 2 below.

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Table 2: Point Allocation for Desktop Evaluation

Activity	Weight
Completed Technical Schedule (A & B)	35
Outline drawing	5
Insulator Drawing	5
Manual	5
Test Reports	50

a. Technical schedule:

The technical schedule is a Microsoft Excel document containing Eskom's requirements, corresponding clauses from the relevant current transformers' standard and blank spaces which must be completed by OEM's representatives. The document is deliberately given in electronic format and must be completed using a computer and converted to Pdf format when submitted. This is done to avoid unclear handwritings and the possibility of the information being tampered with. The technical schedule must be submitted in both Excel and Pdf formats respectively.

The A part of the technical schedule states Eskom's requirements and OEM's representatives must fully complete the B part where there are blank spaces (deviations must be included / stated). The "x" marks / signs on the B part of the schedule are used to indicate items which are for information purposes and must be left unchanged.

It is important to note that deviations are not allowed on the following items:

- Primary terminals
- Secondary terminals
- Mounting arrangement
- Current transformer class and burden
- Knee-point r.m.s. voltage
- Secondary tap points
- Maximum magnetization current at knee-point
- Maximum secondary winding resistance at 75oC

The technical schedules will be scored based on completeness of information completed by OEMs.

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Noncompliance or deviation to any of the items listed above will have a 35 points penalty. If the OEM complies with all the items listed above, the technical schedule will be scored, and the rest of the items not completed in the technical schedule will have a 1-point penalty each.

b. Deviation Schedule:

The deviation schedule should only be completed if there are deviations on Eskom's requirements. This section allows OEMs to state their deviations and to offer reasons for such deviations. The TET will decide whether the deviations are acceptable or not based on sound engineering principles. If there are deviations in the technical schedule and the deviation schedule is not completed to explain the deviations, the technical schedule will be deemed to have scored zero (0) points.
Note: OEMs are encouraged to pose questions or enquiries in cases of uncertainty and obtain clarity upfront before tender closing time or period through the responsible tender person.

c. Outline Drawing of Current Transformer:

The dimensions must be in SI (System International) units and preferably in millimetres. The outline drawing must comply with the requirements stated in section 10 of [3] or [4] and the following key information must be shown:

- Overall dimensions of the current transformer
- Total creepage and arcing distance of the hollow core insulator
- Primary terminal dimensions and markings
- Mounting details and position of earthing terminal and
- Mass of complete current transformer and the volume of primary insulation medium

A point will be deducted it any of the major items listed above is not addressed in the drawing.

d. Outline Drawing of Insulator used with CT:

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The dimensions of the post insulator drawing must be in SI (System International) units and preferably in millimetres. The drawing must show dimensions of the insulator.

e. User Manual

The user manual must be written in English and address the following:

- Packaging,
- Transportation,
- Installation,
- Storage and
- Maintenance

A point will be deducted for each item not addressed e.g., if storage is not addressed, a point will be deducted

f. Test reports:

Test reports must be carried out as per requirements stated in [3] or [4]. The tests must be performed or carried out at an IEC approved third party laboratory. The test report must be in English or translated to English. In case the reports are translated to English, both reports (report in original language and English translation) must be submitted.

The tests required are different for current transformers across voltages levels. The required test (i.e., type and special) will be clearly specified in the technical schedule(s). Depending on the number of tests required, the submitted test reports will be divided by the total number of tests required in the technical schedule and multiplied by 50 to give a total of 50 points. As an example, if a current transformer requires 6 tests and an OEM submits 4 test reports, their score will be calculated as follows:

$Tests\ Score = 4/6 \times 50 = 33.3\ points$

The minimum threshold required to pass the desktop top evaluation is 70%.

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The outstanding items will then be used as condition of contract award if the supplier is successful.

II. Objective Assessment (Contractual Requirements):

All items in the desktop assessment which are not fulfilled by successful OEMs (i.e., OEMs who passed the desktop evaluation) will form part of the objective assessment and be used as conditions of contract award. Eskom will negotiate with successful suppliers to indicate whether they are willing to comply with Eskom's requirements and by when (date). OEMs who are unwilling to meet Eskom's requirements or fail to comply with Eskom's requirements on the agreed date will be disqualified.

I. Factory and Practical Assessment:

This assessment will be done post contract award, upon placement of the first order. The OEM will inform Eskom at least two months in advance of the date upon which the ordered units will be completed and ready for routine testing. Eskom will then send its representatives to do the factory evaluation and to witness the routine testing of the ordered units. Eskom reserves the right to waive the factory assessment where Eskom has assessed the OEM factory before.

a. Scope:

Eskom representative(s) will arrange a visit to the factory on the agreed dates between Eskom and the OEM. The factory evaluation will include two activities i.e., Quality and Work practices assessment using the checklist (see Annexure B) and routine tests witnessing.

The checklist is used to verify capability of the factory to supply the required product and compliance to the equipment specification and documents submitted for the tender. The same checklists will be used across all suppliers to ensure fairness of assessment.

At the end of this exercise, Eskom assessment representative(s) will list all the deviations or improvement

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	initiatives on the evaluation document. The representative will conduct formal discussions of the deviations in line with Eskom's requirements. Herein, the supplier shall indicate whether they agree or disagree to meet Eskom's requirements. At the end of the assessment, Eskom and supplier's representatives will sign the assessment document. b. Confidentiality: All information reviewed, observed, recorded during factory evaluation, and reported because of this assessment will be treated as, and remains highly confidential. Eskom's cross functional team members will be the only parties included in communication pertaining to such information i.e., it will not be released to external parties and / or competitors. c. Assessment methodology: The assessment will follow a documented OEM capability and capacity assessment criteria as shown in Annexure B. These criteria are intended to assess the technical capabilities of the supplier and the product offered for tender to ensure it meets the tender requirements. During the assessment the following areas are evaluated in detail: - Confirmation of submitted technical schedules - Manufacturing methods - Work practices - Design practices and application - Testing facility and practices - Raw material procurement, storage, and sub-contractor practices - Site and other services The factory must have the capability to do all routine tests specified in IEC 61869-2 and the tested units / specimen must pass all the routine tests.
3.15 Evaluation of price	Prices will be evaluated as follows: 1. Inclusive of VAT 2. Making the specified correction for arithmetical errors

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	3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. 1. Unconditional discounts must be taken into account for evaluation purposes. 2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. Prices will be scored out of 80 or 90 points
3.17 Evaluation of Specific Goals	Specific goals will be scored out of 10 or 20 points in accordance with PPPFA.

BBBEE Level	Number of points (80/20 system)	Number of points (90/10 system)
1	20	10
2	18	9
3	14	6
4	12	5
5	8	4
6	6	3
7	4	2
8	2	1
Non-compliant	0	0

If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, will be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20).

Note:

Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.

3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]: -

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	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. Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.
3.19 Objective Criteria	Objective criteria **are not applicable.**
3.20 Reverse e-auction	Reverse e-*auction* ***is not applicable.***
Contractual Requirements	**Contractual Requirements may include the following:** • **OHS and Environmental** OHS and Environmental will be evaluated to establish whether the tenderer meets Eskom's safety, health and environmental requirements. All documents must be submitted before contract award. • **Quality** Eskom will evaluate the recommended tenderers compliance to the quality requirements applicable to the project, the tenderer/s has to comply with the requirements prior contracts award. • **Finance** A financial analysis of the qualifying tenderers' financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be awarded the contract. The outcome of a financial analysis will inform Eskom if a financial sustainability risk exists, which may prevent the supplier from meeting the contractual obligations. If such a risk exists it will be mitigated. In this regard, the primary risk mitigation measure is the fact that suppliers are paid only after they have delivered the product. A contract can still be placed with a supplier whose financial standing might not be sound enough however this would be mitigated as indicated. • **Supplier Development Localisation & Industrialisation (SDL&I)** NIPP **Or** SDL&I Objectives in line with RDP goals: o Skill

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	o Development o Job creation and retention o Subcontracting **Please Note:** • Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award. • Failure to meet "Contractual Requirements "by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.
2.25Contractual Condition	The conditions of contract will be the ***NEC3 Supply Contract.***
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements ***are not applicable.***
Allocation of contract	Multiple contracts will be awarded per item to the highest and second ranked tenderers in terms of PPPFA, in proportion of the scoring.

Please note:

Evaluations will be conducted concurrently as far as possible.

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

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

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

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

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

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

"proof of B-BBEE status level of contributor" means-

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(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

1.3 **TENDER RETURNABLES**

The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE:

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

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

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	One (1) Original hard copy of the tender One (1) hard copy of the original tender	✓ ✓		
	Note: Eskom also **prefers** that one (1) additional complete soft copy (in memory Stick) of the original tender be submitted in electronic format, for all word or excel documents.			
CSD number (MAAA...)	CSD number (MAAA...)	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services (if applicable)	✓		
Annexure E	CPA(IG) for imported goods/services (if applicable)	✓		
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure I	SBD 4 – Bidders Disclosure		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	# proof of compliance to the stipulated Specific goals.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Specific Goals	Failure on the part of the supplier to submit **"proof of specific goals** for purposes of evaluation and scoring by the tender closing will **not result in disqualification** (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking. Note: specific goals refer to the BBBEE Certificate or a Sworn Affidavit		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			✓
Pricing	Pricing schedule, Transport, off-loading and erection schedules	✓		
NEC Contract	Contract Data by Supplier		✓	
NDA for Vendors	Non-Disclosure Agreement (NDA)		✓	
Shipping	Shipping Evaluation Sheet		✓	

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Safety	• **Annexure B** Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer? • **Health and Safety Plan** (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements) • **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). • The costing must be based on the overall scope of work/service to be performed; • The scope of work and the risk assessment may serve as a guideline. • **Baseline OHS Risk Assessment (BRA)** 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 • **Valid Letter of Good Standing** (COIDA or equivalent) • **OHS policy signed by CEO** The submitted policy must comply to OHS Act Section • **OHS Competency**			✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	(Consider scope of work, risks, OHS plan and applicability) CV,s and qualifications / certificates (List competencies required)			
Environmental	**SECTION A: Environmental Management System Requirements as per ISO 14001:2015** **(OPTION 1) Valid certification of Environmental Management System by an ISO accredited body** **Ref - ISO14001: 2015 and TPD Environmental Requirements for Contractor and/or Suppliers (TPDMAN-ST-37)** The Contractor / Service Provider shall provide objective evidence of documented information but not limited to: A.1 Product / Service Scoping on ISO 14001 certificate is defined and relevant A.2 Certificate by Approved and Authorized certification authority A.3 Certification Authority has Recognized International Accreditation A.4 Validity (expiry date) of certificate - on the day of submission **SECTION A: Environmental Management System Requirements as per ISO 14001:2015** **(OPTION 2) Objective evidence of documented EMS that is not certified but conforms with ISO 14001** **Ref- Environmental Requirements for Contractors and / or Suppliers (TPDMAN-ST-37)** The Contractor / Service Provider shall provide objective evidence of documented information but not limited to: A.1 EMS Manual or a document that defines and describes the EMS and its scope (Clause 4.3)			✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	A.2 Environmental Policy Approved by top management (Clause 5.2) A.3 Environmental Objectives Approved by top management (Clause 6.2.1) A.4 Documented information for defined roles, responsibilities and authorities (Clause 5.3) A.5 Organisation Interested Parties - Needs and expectations (Clause 4.2) A.6 Support: Resources, Competence, Awareness and Communication (Clause 7, 7.1, 7.2, 7.3 & 7.4) A.7 Documented information (Clause 7.5) A.8 Documented information for Nonconformity and Corrective action (Clause 10.2) A.9 Environmental Emergency preparedness and response (Clause 8.2) A.10 Performance Evaluation (monitoring, measurement, analysis and evaluation) (Clause 9.1) A.11 Documented information for Internal audit and Internal audit programme (Clause 9.2) A.12 Records of Management Review meetings (minutes, attendance registers etc) (Clause 9.3) **SECTION B: Environmental Management Programme and Environmental Authorisation Ref-Tender & Contract Scope of Work and Environmental Requirements for Contractors and / or Suppliers (TPDMAN-ST-37)** The Contractor / Service Provider shall provide objective evidence of documented information but not limited to: A draft/example Environmental Management Programme (EMPr) or Method Statements in line with the Scope of Work.			

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	Items below are minimum requirements: B.1 Handling of Hazardous Chemical Substances (including contaminated waste or materials) B.2 Vegetation Management (if applicable) B.3 Site establishment B.4 Water Management (Consumption, Uses, Water Source, Storm Water, Testing, National Water Act, 36 of 1998) B.5 Access Control and Routes B.6 Landowner Liaison B.7 Environmental Noise Control (Management controls) B.8 Environment ambient Air Quality (i.e., Dust Control/ Management) B.9 Environmental Human Resources (CV and competences of person who will be responsible for environmental monitoring, reporting and incident management) - Minimum requirements is N.Diploma or BSc/Bachelor Degree in Environmental Sciences/Management/Nature Conservation or any related. B.10 Environmental Awareness (e.g., Induction or Toolbox Talk Material) B.11 Environmental Incident Reporting (i.e., oil spills, fire, biodiversity) B.12 Complaints/Grievance management B.13 Environmental (if applicable) **"SECTION C: Waste Management Plan Ref-Tender & Ref: National Environmental Management: Waste Act (Act No. 59 of 2008) and TPD Waste Management Plan"**			

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	The Contractor / Service Provider shall provide objective evidence of documented but not limited to: A draft/example Waste Management Plan in line with the Scope of Work. C.1 Possible Waste types and/or streams to be generated C.2 Applicable waste management legislation C.3 Waste segregation and minimisation C.4 Waste handling and disposal on site C.5 Waste reporting template **"SECTION D: Aspect and Impact Register** **Ref-Tender Enquiry or Project Scope as per Invitation for Tender & TPD Environmental Requirements for Contractors and/or Suppliers (TPDMAN-ST-37)"** The Contractor / Service Provider shall provide objective evidence of documented but not limited to: A draft Aspect and Impact Register in line with the Scope of Work (including ratings of aspects and impacts). **"SECTION E: Employer defined additional requirements & miscellaneous** **Ref-Tender & Contract Scope of Work, EMPr, EA and TPDMAN-ST-37."** The Contractor / Service Provider shall provide objective evidence of documented but not limited to: E.1 Environmental Bill of Quantity (with items relevant to environmental aspects as per scope of work)			

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	"• E.1a Waste management activities" "• E.1b Pollution control measures" "• E.1c Water management " "• E.1d Land management (e.g., Rehabilitation costs, Erosion control/ berms, maintenance of access roads, No Go fencing, vegetation clearing) " "• E.1e Human resources (Environmental / SHE Officer Services) - full-time or part-time depending on nature/scope of the project" E.2 TPDMAN-FM-57: Contractor Environmental Requirements Proforma is completed and signed (By the Contractor)			
Quality	The following will be required to be submitted by the suppliers prior to contract award: SECTION A: Quality Management System Requirements ISO 9001 Valid certification of Quality Management System by an ISO accredited body - A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant - A.2 Certificate by Approved and Authorized certification authority - A.3 Certification Authority has Recognized International Accreditation - A.4 Validity (expiry date) of certificate SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)			✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	- B.1 Documented information for defined roles, responsibilities and authorities. - B.2 Documented information for Control of Externally Provided Processes, Products and Services - B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - B.4 Latest copy of an external management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - B.5 Records of Management Review meetings (minutes, attendance registers etc) SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005) - Draft Contract/Project Quality Plan has important QA deliverables SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302). QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000 - Draft / Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done SECTION E: User defined additional Requirements & miscellaneous (240-105658000) - E.1 Form A is completed and signed.			

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	- E.2 Add other requirements (if applicable) as per the scope of work and/ or specification			
Due Diligence	Audited Financial Statements of the *tenderer* for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.			✓
Supplier Development & Localisation (SDL&I)	Completion of SDL&I undertaking (Subcontracting, job creation and retention and skills development)			✓
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical documents required for functionality scoring as per technical evaluation criteria document – ref number 240-170000571, Rev2	1. Completed technical schedule (A&B)	✓		
	2. Deviations Schedule (only if there are deviations)	✓		
	3. Outline Drawing of the CT	✓		
	4. Outline Drawing of Insulator(s) used with the CT	✓		
	5. Test Reports	✓		
	6. Technical Manual addressing Packaging, Transportation, Installation, Storage & Maintenance.	✓		

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	7. Declaration letter of modification of previously supplied Current Transformers		✓	

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

_____

_____

_____

Cataloguing Acknowledgement:

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

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

_____

_____

_____

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

Invitation to Tender No: _____

Name of company/JV: _____

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Country of registration: _____

Name of contact person: _____

Contact details of contact person:

Tel (landline):	
Cell phone:	
e-mail address:	

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Proposed Scope of work to be done by sub-contractor	

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URM

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom._____

2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____

3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.

4. You may register online at National Treasury website on www.treasury.gov.za

5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____

6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS 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? _____

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8.4 Is the said sub-contractor registered on CSD?

YES		NO	

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

8.4 Please confirm B-BBEE level of said sub-contractor_____

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

a) An EME or QSE;

b) An EME or QSE which is at least 51% owned by black people;

c) An EME or QSE which is at least 51% owned by black people who are youth;

d) An EME or QSE which is at least 51% owned by black people who are women;

e) An EME or QSE which is at least 51% owned by black people with disabilities;

f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;

g) A cooperative which is at least 51% owned by black people;

h) An EME or QSE which is at least 51% owned by black people who are military veterans; or

i) More than one of the categories referred to in paragraphs (a) to (h).

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

YES		NO	

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

YES		NO	

1. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

2. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way "related" to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. "Related" meaning that:-
   1. an individual is related to another individual of they are married, or live together in a relationship similar to marriage;
   2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
   3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of "control" (as per Companies Act section 2(1)) ; and

   1.a juristic person is "related" to another juristic person if:-
   1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of "control" (as per Companies Act section 2(1));
   2. either is a subsidiary of the other; 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"
5. 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.

Full Name & Capacity/	Identity	Confirm and provide	Full Names &	To your

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

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

   Do the tenderer/s and other tenderer in this tendering/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*** will be disqualified if the *tenderer/s*, or any of its directors have:
1. abused the institution's procurement process (e.g. bid rigging/collusion)
2. committed fraud or any other improper conduct in relation to such system.

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

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Item	Question	Yes	No
1.1	Is the *tenderer/s (or any of its directors/members/shareholders)* listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector ***[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].*** The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the *tenderer/s (or any of its directors / members / shareholders)*? 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 Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the *tenderer/s (*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 *tenderer/s(or any of its directors/members/shareholders)* prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	*Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?*		

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

Full Legal / Trading Name	Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA).

1. APPLICATION OF CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- CPA will be applicable after sixteen (16) months from the base date (one month prior to enquiry closing) for commodities with prices that are less volatile.
- In terms of the volatile commodities, CPA will be applicable from the base date prior to enquiry to the end date of the contract. The volatile commodities are those commodities which are easily impacted by the international market.
- The base date for CPA calculation purposes will be one month prior to enquiry closing or as agreed to between the parties (if there is a need to move the base date during contract negotiations).
- The latest / ruling index used for CPA calculation purposes will be aligned to the delivery dates of the equipment on the assessment for payment on a particular payment certificate month.
- **Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.**
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

A. Proposed CPA

Eskom proposes that the following CPA breakdown should apply:

Formula A						
Index Reference	*Proposed portions/Weightings of each index*	*Description of Index*	*Full Title of Index as published*	*Source Publisher of Index*	*Base Month*	Base Price/Base Index Figure
A1	*85%*					
	15%	*Fixed portion not subject to CPA*				
Total	*100%*					

NB: if the table above is not applicable, kindly refer to the tender documents for Eskom's CPA proposal.

B. Main Offer

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- A Main Offer that is fully compliant with CPA requirements as specified above.
- This condition is mandatory unless a fully fixed priced offer is submitted.

C. Additional/Alternative Offers – Not Applicable to this tender

Additional/Alternative offers, which are optional, will only be considered if:

- Clause 2.23 in the Enquiry document allows for the proposal of an alternative CPA proposal/s and
- A fully compliant Main Offer is submitted and acceptable.
- An additional/Alternative offer may be:
  (a) A fixed priced offer in addition to the fully CPA compliant Main Offer, or
  (b) Any other offer with CPA conditions that deviate from the CPA conditions indicated above (in Point 1).

However, it is compulsory that all such deviations be substantiated.
Additional/Alternative Offers must be clearly marked as such.

3. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied.

4. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
  The month before the month in which the Enquiry closes

- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
  The average for the month before the month in which the Enquiry closes

In this case, the following shall apply:

- Where the average is published:

  The average published price in the currency Eskom will be exposed to (e.g. The currency in which Eskom will effect payment

- Where a high, low and mean are published:

  The mean

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

  The Cash Settlement or Cash Sellers Price

5. INDICES

- Indices are to be in the public domain.
- No in-house indices may be used for CPA
- Indices must be in English or easily translated into English

6. ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS

Eskom requires a fixed portion (free of price adjustment) appropriate to the nature of the contract.

The methods/formulae proposed in this part shall clearly identify the base month, the period over which adjustment will apply the elements of labour and materials and source of the indices/rates/prices to be used.

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority and accessible to both parties. Supplier in-house indices are not acceptable.

The base indices/prices/rates shall be those ruling for the month prior to the month of the closing of the enquiry.

7. CPA FOR PROFESSIONAL SERVICES

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

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

8. Example of a CPA Formula:

Formula A						
Index Reference	*Proposed portions/Weightings of each index*	*Description of Index*	*Full Title of Index as published*	*Source Publisher of Index*	*Base Month*	Base Price/Base Index Figure
A1	*30%*	*Round Bar – Table E-EX*	*Domestic Merchant*	*Seifsa*	*May 2020*	*172.1*

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			Steel Price Index			
A2	*45%*	*C3-A all hourly paid Employees*	*Actual Labour Costs*	*Seifsa*	*May 2020*	*167.6*
A3	*10%*	*Transport*	*L1(A) Road Freight Costs*	*Seifsa*	*May 2020*	*111.9*
	15%	***Fixed portion not subject to CPA***				
	100%	**All Weightings/Proportions must add up to 100**				

(The above table is merely an example and when tenders are preparing the proposed CPA breakdown/s should be indicated. The above table can duplicated if more than one CPA formula is to apply.)

- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted

  EG:
- If the pricing schedule has 1 line item for material - there could be 1 CPA Formula (Formula A – with a breakdown of all the material cost components)
- If there are specific line items for Labour and Transport, individual Formulae might be used
- Each CPA formula must add up to 100

Please note: Eskom reserves the right to negotiate CPA terms and conditions during any negotiations held with tenderers.

Signed _____ Date _____

Name _____ Position _____

Tenderer _____

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

ESKOM REQUIREMENTS REGARDING PAYMENT FOR FOREIGN GOODS AND SERVICES

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

Tenderers:

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic, for example, transport costs will only be paid in Rands

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

PART 1: PAYMENT OF FOREIGN COMMITMENTS

Payment of Eskom's foreign commitment in foreign currency will be made either:

Payment Method 1A:

To a nominated bank account in a foreign country in a foreign currency
(Payment will be made to the party and account nominated by the supplier
In the contract, and not to any other party).

Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods

Documentation to be submitted with payment:

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- Commercial invoice (from the foreign supplier)

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

Any one of the following documents as per the mode of transportation

- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt "goods despatched"
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic of South Africa

Service- related payments

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier)

Applicable (Y / N)

OR

Payment Method 1B;

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency.
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:

a) Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account

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b) Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
c) Copy of the latest application to the Reserve Bank to renew the approval
d) Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency

Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic of South Africa

Service-related payments

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:

  1. A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
  2. A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.

- This approval is only valid for a period of 1 year or as per SARB approval period.

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)

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- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

Applicable (Y/N)

OR

Payment Method 2:

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well As the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,

Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

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NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

Applicable (Y/N)

OR

Fixed ZAR Option (Payment Method 3)

This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

From a Commercial perspective, please take note of the following:

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

Applicable (Y/N)

Documents to submit with payment

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

Import payments

- SAD 500

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- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the goods to the Republic of South Africa

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency

Applicable (Y/N)

Please note: Eskom will require substantiating proof of importation at the time of invoicing.

Where the supplier, previously imported goods into stock for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.

Take note of the following:

Service-related payment:

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1) **Secondment**

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees.

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The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

Documents to be attached for payment:

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager

2) **Payroll Transfer**

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)
Please note that the tenderer is required to submit proof of the SARB rate/s used.

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

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ANNEXURE F

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

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

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
	TCS PIN:		OR CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ 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	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
	☐	A REGISTERED AUDITOR		
		NAME:		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				

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ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	.....	**DATE**	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		**TOTAL BID PRICE (ALL INCLUSIVE)**	

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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PART B
TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:

1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
3. **BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
4. **WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

TAX COMPLIANCE REQUIREMENTS

1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
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 G SBD 6.1

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

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

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

---

1. GENERAL CONDITIONS

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

1. To be completed by the organ of state

1. Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

    1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
    1. Price; and
    2. Specific Goals.

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80/90
SPECIFIC GOALS	20/10
Total points for Price and SPECIFIC GOALS	100

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2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

3. DEFINITIONS

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

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

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

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

80/20 or **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

80/20 or **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

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

1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

The specific goals allocated points in terms of this tender. BBBEE Level	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	10		
2	18	9		
3	14	6		
4	12	5		
5	8	4		
6	6	3		
7	4	2		
8	2	1		
Non-compliant	0	0		

DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....

2. Company registration number: .....

3. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

   1. The information furnished is true and correct;
   2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
   3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
   4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

      1. disqualify the person from the tendering process;
      2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
      3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
      4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
      5. forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

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Annexure H SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest1 in the enterprise,

employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State Institution

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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

2.2.1 If so, furnish particulars:

.....

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

1. If so, furnish particulars:

.....

.....

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium2 will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

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

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during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

1. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

....

Signature Date

....

Position Name of bidder

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ANNEXURE I: SDL&I

Section 1:NIPP

In line with DTI requirements on important content that are above $5million, the National Industrial Participation Programme has to be applied in order to stimulate local manufacturing capability and job creation. International manufactures of Current Transformers have to commit on minimum thirty percent local participation programme through formalized DTI NIPP obligations agreements. Therefore, in line with NIPP requirements, once the contract is awarded, the international company has to complete SBD 5 form as an undertaking to DTI.

Note: The above NIPP obligation will apply only if the foreign portion is equivalent or more than the stipulated minimum threshold of $5 million. Suppliers will be encouraged to indicate or declare how much local manufacturing / procurement spend amounts to in this transaction. In an event where the foreign content does not exceed the NIPP threshold of $5 million, the normal SDL&I targets of skills development, Subcontracting and job creation will be applied.

Section 2: Other SDL&I Objectives in line with RDP Goals

Tenderers who complete and submit the undertaking as required, but who do not meet Eskom's targets, will not be disqualified. SDL&I undertakings do not form part of scoring but commitments will form part of contractual obligations

1. **BBBEE requirements:** All tenderers must at a minimum maintain their BBBEE status throughout the contract period.

2. **Tenderers procuring from entities with a minimum 51% black ownership**

   Subcontracting refers to activities which tenderers outsource to other enterprises in its supply chain during the execution of the contract scope of work.

   Tenderers can also achieve subcontracting requirements by claiming invoices paid to service providers of indirect expenses that it incurs in the operation of its business. Such expenses may include courier services, training, transport costs, facility management, office /property rental, cleaning.

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Subcontracted Designated Group	Eskom Target	Tenderer Proposal
EME 1/2 or QSE 1/2	30%	

Note: The target for subcontracting is 30% of the contract amount. This allocation shall be distributed across any of the groups stipulated above.

3. **Jobs.** Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

Type of Jobs to be created	Number of Jobs to be created
Type of Jobs to be retained	**Number of Jobs to be retained**

4. **Skills development**

Tenderers are required to submit proposals for skills development of unemployed candidates. Skills development target is twenty **(20)** candidates in order to address Eskom's core, scarce and critical skills and the MerSETA scarce and critical skills. These skills are also included in a 2018 list of occupations in high demand as stipulated in the Government Gazette 41728. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa.

Category	Eskom Target	Tenderer proposal
Quality controller	5	
Technician	5	
Artisan	5	
Engineers	5	

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Note: Suppliers will be required to develop at least one skill for every R9 m spent with them.

The process of developing these skills shall involve the participation by tenderers directly and also through their supply network. In certain cases, the SETAs accredited training providers can be approached to participate in developing critical and scarce skills.

Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners. Tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives.

Section 4: SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.
As security for the fulfilment of all SDL&I obligations, Eskom will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&I performance reports every quarter; **or** failure to meet the SDL&I obligations in a contract.

Section 5: Reporting and Monitoring

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.

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- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award.

Section 6: General Information on Validity of Sworn Affidavits

The following must be considered when it comes to validity of Affidavits;

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director**, **owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. (Financial year end to be stipulated by **day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

Controlled Disclosure

Anonymously report fraud, corruption at 0800 11 2722/ forensic@eskom.co.za

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