

	Investment Recovery Offer to Purchase OLT2076956	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

PURCHASE, COLLECTION AND REMOVAL OF SCRAP/ CONTAMINATED BULK FUEL OIL MIXED WITH WATER AND SLUDGE FOR A TWO (2) YEAR CONTRACT, AS AND WHEN REQUIRED BASIS FROM MEDUPI POWER STATION

ENQUIRY NUMBER: OLT2076956

CLOSING DATE: 03 JULY 2023 @ 10.00 AM

VIEWING DATE: OPTIONAL – BY APPOINTMENT

Issue Date:
26 JUNE 2023

Ref:
OLT2076956

Enquiry:
OBAKENG MOKALE
+27 14 763 8365
mokaleo@eskom.co.za

INVESTMENT RECOVERY SECTION

PURCHASE, COLLECTION AND REMOVAL OF SCRAP/ CONTAMINATED BULK FUEL OIL MIXED WITH WATER AND SLUDGE FOR A TWO (2) YEAR CONTRACT, AS AND WHEN REQUIRED BASIS FROM MEDUPI POWER STATION

TENDER ENQUIRY No. - **OLT2076956**

Eskom is the owner of **SCRAP/CONTAMINATED BULK FUEL OIL**, located at **MEDUPI POWER STATION IN LEPHALALE, LIMPOPO**.

You are kindly invited to submit an offer for the purchase, collection and removal scrap/contaminated **BULK FUEL OIL** on Behalf of **MEDUPI POWER STATION** on an “as and when” required basis as detailed in the Scope of Work and attached OFFER TO PURCHASE.

1. INSPECTION AND VIEWING

There will be no compulsory meeting for this contract. All enquiries must be directed to **OBAKENG MOKALE** on **014 763 8365** and mokaleo@eskom.co.za

Should you wish to view the oil or take a sample, kindly contact Thabo Khoza on 017 799 2144 or khozatr@eskom.co.za to arrange viewing date. Kindly confirm your appointment with Thabo as no walk-ins will be accommodated. All COVID-19 protocols will be followed and no person without prior arrangement will be granted access to this site.

2. SUBMISSION OF THE “OFFER TO PURCHASE”

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Your quotation, as submitted by you on the “Offer to Purchase” document shall be submitted

2.1 By Faxed / Emailed to :

✓ **Confidential Email :** informaltendering@eskom.co.za

Kindly note : Tenders may **ONLY** be submitted at this address only.

Note the following rules with respect to the TENDER system

- a. Tenders may be faxed / emailed to this number and address only. Please do not send any confidential emails to this address as tender office staff do not have access to open confidential documents. This email address and fax number is confidential and only at tender close will the information be released and recorded.
 - b. Ensure that all files submitted is in a PDF format.
 - c. Ensure that the enquiry number is stipulated in the subject line on all e- mails if multiple emails are sent
 - d. Maximum attachment **size per email is 10MB**. It is the supplier’s obligation to ensure that the attachments **per email** do not exceed this limit.
 - e. Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.
 - f. All tender returnables/documentation must be submitted to informaltendering@eskom.co.za only. E-mails to any other address (except for clarifications) will not be accepted. Failure to comply will these rules will result in your tender being disqualified.
 - g. Requests for Clarifications must be sent in writing to the respective asset disposal officer at mokaleo@eskom.co.za and not to informaltendering@eskom.co.za. All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within one (1) – two (2) working days before the tender closing deadline, depending on the enquiry duration and complexity.

The closing date is 10.00 AM on MONDAY, 03 JULY 2023.

ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!

NO LATE OFFERS WILL BE ACCEPTED!

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3. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.

Please take note of the STANDARD CONDITIONS OF TENDER, (July 2018) noted in this letter and any amendments that accompany the TENDER ENQUIRY **OLT2076956**

- The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

STANDARD CONDITIONS OF TENDER	AGREEMENT 37.2	TST 41-61
 D:\User\2007\ INVATATION TO TENI	 Section 37 2 Agreement 2010 Esk	 TST 41-61 Standard.doc

4. TENDER RETURNABLES

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

LIST OF TENDER RETURNABLES:

4.1. Tender returnable documents.

Commercial Requirements	Mandatory for evaluation	Contract award	Points allocation
Offer to purchase form (price schedule attached and comments to price schedule)	✓		
Supplier Declaration Of Interest (attached)	✓		
Valid original Tax Clearance Certificate	✓		
Declaration of interest (Annexure A attached)	✓		
Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency	✓		
CSD registration doc	✓		
Second-hand goods act certificate from SAPS/License for (for scrap dealers and recyclers)	✓		

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CIPRO Registration Documents	✓		
Letter of good standing with COID or insurance body.	✓		
Technical Requirements <ul style="list-style-type: none"> Technical inventory list Method statement based on scope of work 		✓	
Health & Safety Requirements <ul style="list-style-type: none"> Health and Safety plan Environmental requirements form (Annexure F attached) Acknowledgement form completed Certification Of Transport from Municipality of Dealing / Transporting Harzadous Waste (The Vehicle registration) Environmental Licence Any other certification on Oil Handling (eg. ROSE Foundation) 	✓ ✓ ✓ ✓ ✓	✓	

5. EVALUATION PROCESS AND CRITERIA

5.1. BASIC COMPLIANCE

ANNEXURE A

DECLARATION OF INTEREST

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

- the *tenderer/s* employees/ directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/ directors are also employees/ contractors/ consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/ contractors/ consultants or directors in another entity together with Eskom employees/ consultants/ contractors/ directors
- the *legal person/s (including its employees/ contractors/ directors/ members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom

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employee/ contractor/ consultant/ director involved in the tender evaluation/tender adjudication/tender negotiation. "Related" meaning that:-

- an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
- or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
- an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of "control" (as per Companies Act section 2(1)) ; and
- **a juristic person is "related" to another juristic person if :-**
 - 1) Either of them directly/ indirectly controls the other, or the business of the other, as determined in accordance with the definition of "control" (as per Companies Act section 2(1));
 - 2) Either is a subsidiary of the other; or
 - 3) A person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of "control"
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

ANNEXURE B

DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes/No	
		Yes	No
1.1	Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/ tendering processes/ procedures during the past five years?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s (or any of its directors/ members/ shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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

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

Signature:	
-------------------	--

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Designation and capacity in which signing:	
Date:	

ANNEXURE F

ENVIROMENTAL REQUIREMENTS FORM

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

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

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

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

The contractor must ensure:

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

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

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

For and on behalf of the company:

Name of signatory/signatories:

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Official capacity/capacities:

Date: Enquiry No: **OLT2076956**

ANNEXURE H

HEALTH AND SAFETY REQUIREMENTS

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

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

5.2. TECHNICAL EVALUATION

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

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

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

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Questions – Evaluation of a Scrap Dealer

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

Scrap Dealer's Name: _____

Location: _____

	1	2	3	4	5
Company Documentation					
Vat / Tax Certificate					
Registration at any relevant industry					
Second Hand Act Registration for scrap or recycling.					
Safety Policy					
Environmental Policy					
Safety File					
Coida					
Site/ Yard Cleanliness					
Oil spills Kit					
Suitable Fire Fighting Equipment					
Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					
Type of trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: _____

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5.3. FINACIAL EVALUATION

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

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

NOTE:

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

6. SCOPE OF WORK

The scope of work will include the **PURCHASE, COLLECTION AND REMOVAL OF SCRAP/ CONTAMINATED BULK FUEL OIL MIXED WITH WATER AND SLUDGE FOR A TWO (2) YEAR CONTRACT, AS AND WHEN REQUIRED BASIS FROM MEDUPI POWER STATION OF CONTRACT SIGNATURE** on an "as and when" required basis contract within Eskom **MEDUPI POWER STATION**.

- ✓ Purchase, collection and removal of fuel oil mixed with water from Medupi Power Station as and required for a period of 24 months.
- ✓ The purchaser will be responsible for the safe collection, handling, removal, loading and transportation of the material and to clean the site and must provide their own qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.
- ✓ The purchaser to submit the method Statement for loading the IBC tanks/flow bins (1000 L) or drums (210 L).
- ✓ The purchaser to provide the South African Police Service registration as second hand goods dealer or recycler.
- ✓ The purchaser must have at least 2 years experience in removal of Fuel oil mixed with water (Provide contactable references or Purchase Order Number)
- ✓ The purchaser to provide a template of the waste Manifest to be used which will include the waste generator , the collector the Receiver.
- ✓ It will be the duty of the purchaser to, on a regular basis as will be requested, to the Eskom Investment Recovery Officer for main purpose to reconcile information between the contractual parties.

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- ✓ The purchaser must assure the site be left clean from any debris and waste at completion of their collection and removal of the goods.
- ✓ The goods on sale will be identified by Eskom. No Lube oil or Diesel to be collected from site as these materials do not form part of the contract.

The goods on sale will be identified by Eskom.

7. PRICE SCHEDULE

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices. **NO HIDDEN COSTS WILL BE FACTORED-IN BEYOND OFFER PRICE**

DESCRIPTION	EXPECTED PRICE
Scrap/contaminated Bulk Fuel Oil	Rand Value per LT / KG

For each disposal transaction the rand price will be calculated by multiplying the rand quote to the quantity in LT / KG

NOTES

- a. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- b. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- c. Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- d. Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- e. The **SCRAP OIL** is sold with unknown quantity of oil but any oil remaining in the equipment shall become the property of successful contractor and he will be responsible for the oil spillage.
- f. You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.

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- g. All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- h. Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.
- i. This is an open tender and only those contractors that attended the site meeting may tender.
- j. A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract
- k. A bidder who has an open non-conformance will be disqualified and not awarded a new contract.
- l. No accommodation will be allowed on site.

8. Environmental requirements

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

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i> List of activities and competent authorities identified in terms of sections 24 and 24d
National Environmental Management Act	107 of 1998, as amended	Protects the rights of all citizens to a healthy and safe environment
Atmospheric Pollution Prevention Act	45 of 1965	Control all activities that pollute the air <i>Dust control during construction –Applicable during the clearing of yard-stones</i> <i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>

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ACT NAME	ACT NO	NOTES/REMARKS
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various other activities, which may have a detrimental effect on the environment. <i>Waste management</i> <i>Application of waste disposal permit</i> <i>Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner's gates and fences <i>Climbing or crawling over or through fences without permission</i> <i>Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances. <i>NB: no hazardous substances will be used during this phase of construction</i>
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment. <i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste</i> <i>Regulations relating to nuisances</i> <i>NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

9. GUARANTEE / WARRANTY

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

10. OFFERS

Offers received for this tender will be deemed valid for a period of **THREE (3) months (90 days)** from tender closing date.

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

Only the successful tenderer will be notified.

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11. VALUE ADDED TAX (VAT)

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

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

- 11.1 It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- 11.2 The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 11.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:
- 11.4 Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or
- 11.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.
- 11.6 Each party to Consortium/Sub-contractor must complete a separate declaration. The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

12. VARIATION

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

Yours Faithfully



OBAKENG MOKALE
ASSET DISPOSAL OFFICER
Investment Recovery
Procurement & Supply Chain Management

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TENDER ENQUIRY NO : **OLT2076956**
CLOSING DATE : **MONDAY, 03 JULY 2023 @ 10.00 AM**
CONTACT PERSON : **OBAKENG MOKALE**
TENDER SUBMISSION : informaltendering@eskom.co.za

Commercially required Returnable Documentation:

Your tender must be submitted strictly in accordance with the requirements stipulated in this section and section 4 TENDER RETURNABLES, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the “Offer to Purchase” to qualify for evaluation purposes.

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

Public

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	Investment Recovery Offer to Purchase OLT2076956	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

	INVESTMENT RECOVERY OFFER TO PURCHASE FORM INVITATION TO TENDER	OLT2076956
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Item No.	QTY	DESCRIPTION	PRICE OFFERED (EXCL. VAT) per LT / KG
1	AS AND WHEN AVAILABLE	SCRAP/CONTAMINATED BULK FUEL OIL MIXED WITH WATER AND SLUDGE	

FULL COMPANY NAME: _____

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

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

OFFER SUBMITTED BY – FULL NAME : _____

SIGNATURE : _____

DATE : _____ **ID NUMBER :** _____

E- MAIL : _____ **CONTACT NUMBER :** _____

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

FULL COMPANY NAME: _____

CSD REGISTRATION NUMBER : MAAA_____

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		Effective Date	01 June 2021		
		Review Date	June 2024		

BBBEE LEVEL CONTRIBUTOR : _____

CONTACT PERSON NAME: _____

EMAIL ADDRESS: _____

TELEPHONE NUMBER : _____

COMPANY PHYSICAL ADDRESS:

SIGNED: _____

DATE : _____

Public

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