

Document Identifier	240-114238630	Rev	16
Effective Date	February 2023		
Review Date	February 2028		

# ESKOM HOLDINGS SOC LTD

#### INVITATION TO TENDER

## **FOR**

# HAZARDOUS LOCATIONS REFURBISHMENT AT MATLA POWER STATION FOR A PERIOD OF TWO (02) YEARS

Tender number	MPMAT10876GX
Issue date	11 SEPTEMBER 2023
Closing date and time	23 NOVEMBER 2023 at 10H00
Tender validity period	120 days from the closing date and time
Clarification meeting – Not Compulsory	Date: 01 November 2023 Time: 10:00am Venue: Microsoft Teams Link: Requested via email before 27 October 2023  Site visits can be organized by a formal appointment only send to: MabuzaAb@eskom.co.za
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Tender Box, Ground Floor No.10 Smuts Avenue Witbank/ Emalahleni Mpumalanga  GPS CO-ORDINATES LATITUDE: 25.87723S LONGITUDE: 29.21629E

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#### Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for the Hazardous locations refurbishment at Matla Power Station for a period of two (02) Years

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

Yours faithfully

STANLEY NGWENYA

**ACTING PROCUREMENT MANAGER - MATLA POWER STATION** 

Date 1 October 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)
111	*Acknowledgement form	Annexure A	Υ
112	*Tenderer's particulars	Annexure B	Y
113	*Integrity Declaration Form (refer to <u>www eskom co za</u> for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
114	*CPA Requirements for Local Goods/Services	Annexure D	Υ
115	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
116	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included)	Annexure F1	Y
	Annexure C-Local Content Declaration- Summary Schedule	Annexure F2	Y
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	Y
	Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F4	Y
117	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
118	*SBD 6 1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1 1 9	*SBD 4 Bidders Disclosure	Annexure I	Y
1.1 10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts]	[Procurement Practitioner to download from Hyperwave]	Υ
1 1 11	Reverse e-auction training acknowledgement form (if applicable)	[To be uploaded from Sharepoint] https://commercial	N/A

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		eskom co za/Pages/ Default.aspx	
1 1 12	Reverse e-auction process (ıf applicable)	[To be uploaded from Sharepoint] https://commercial eskom co za/Pages/ Default aspx	N/A
1 1 13	Contract Skills Development Goals (CSDG) [if applicable]	To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report	
1 1 14	Contract Participation Goals (CPG) [if applicable ]	To be downloaded from CIDB (Annexure A-Targeted Enterprise Declaration Affidavit, Project Interim Report, Project Completion Report and Declaration)	

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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 <a href="https://www.eskom.co.za">www.eskom.co.za</a>. 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 <i>Representative</i> is <b>Name:</b> Abegail Mabuza <b>Tel:</b> 011 800 6943	
	E-mail: MabuzaAb@eskom co za	
1 3 Enquiry documents	The Invitation to tender number is: MPMAT10876GX	
	See the content list above for the enquiry documents	
1.4 Type of Invitation to Tender	This invitation to tender is	
	An open Invitation to tender	
1 6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract	
2 1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is no under any restriction to do business with Eskom/State Owned Companies	
	Tenderers are deemed <b>ineligible</b> to submit a <i>tender</i> 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.	

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	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 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  (a) they have a controlling partner/majority shareholder in common, or  (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 Any tenderer on the Tender Defaulters list 9 A tenderer that sub-contracts 100% Scope of Work
	Ineligible tenderers will be disqualified.
2 2 -2 5 Tender Closing	The deadline for <i>Tender</i> submission is Date 23 November 2023 Time 10h00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address
	THE TENDER OFFICE
	Eskom Tender Box, Ground Floor No.10 Smuts Avenue Witbank/ Emalahleni Mpumalanga
	GPS CO-ORDINATES LATITUDE: 25.87723S

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	LONGITUDE: 29.21629E
2 9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.  Where a Tenderer does not submit 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 12 weeks
	Note: For Construction -related work the initial tender validity must not exceed 12 weeks
2 16 Site/clarification meetings	Clarification meeting will take place as follows: Date: 01 November 2023 Time: 10:00
	Venue: Microsoft Teams
	Link: Requested via email before 27 October 2023
	Site visits will be organized by a formal appointment only.
	Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee
	Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.
2 17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission
2 23 Alternative tenders	Alternative tenders are not allowed
2 25 Conditions of contract	The conditions of contract will be the <b>NEC3 SC</b>
2 31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.  The following bonds are required for this enquiry

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3 4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline,  Tenders will be opened on Place: Eskom Tender Box, Ground Floor No.10 Smuts Avenue Witbank/ Emalahleni Mpumalanga  Date: 23 November 2023 Time: 10 00 am
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	Mandatory tender returnables are applicable  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	The following criteria will be applicable for this transaction under functionality criteria:  NB: Kindly check the detailed technical evaluation below  Tenders need to have a weighted score of 70% or more to technically qualify for further evaluation

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3 15 Evaluation of price	Prices will be evaluated as follows
	1 Inclusive of VAT 2 Making the specified correction for arithmetical errors 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 6 Unconditional discounts must be taken into account for evaluation purposes; 7 Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected
3 17 Evaluation of Specific Goals	Specific goals will be scored out of 20 points in accordance with PPPFA  If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80 points for price and will score 0 points for Specific goals (out of 20)
	Specific Goals
	A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
	Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points

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	The following documents are required to claim preference points,
	<ul> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> </ul>
	<ul> <li>Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown</li> </ul>
	<ul> <li>Certified ID copies of shareholder(s)</li> <li>Proof of Disability (where applicable)</li> </ul>
	Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'
	<ul> <li>May only score point out of 80 for price</li> <li>Scores 0 points out of 20 for specific goals</li> </ul>
	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] -  80/20 for tender with a Rand value of up to R50 000 000
	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 (if applicable)	Objective criteria are not applicable
3 20 Reverse e-auction (if applicable)	Reverse e-auction not applicable
	Please note:- Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices.

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	Eskom reserves the right to utilize reverse e- auction in certain enquiries. Where reverse e- auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.
Contractual Requirements (if applicable )	Contractual Requirements may include the following  SHEQ requirements, and/or  SDI&L requirements, and/or  Financial Statements, and/or  2% CSI – Corporate Social Investment
	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 25 Contractual Condition	The conditions of contract will be the <b>NEC3 SC</b> Main option  A Priced contract with price list  W1 Dispute resolution procedure
	Secondary options  X1 Price adjustment for inflation X2. Changes in the law X5. Section Completion X7 Delay damages X16 Retention X18 Limitation of liability

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	Z Additional conditions of contract
	The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report ) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)
	The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit, Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3 3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013) In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are applicable  1. It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading of Minimum CIDB Level 6 (EP)  OR,
	2 Joint ventures are eligible to submit tenders provided that - 2 1 every member of the Joint venture (JV) is registered with the cidb, 2.2 the lead partner has a contractor grading designation in the or .*class of construction work, or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status, 2 3 the combined contactor grading designation calculated in accordance with the cidb

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regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or \* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations

#### Please note:

That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twentyone (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.

Employer (Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.]

- 3 Contract Skills Development Goals (CSDG) Requirements is applicable
- 3 1 The CSDG applicable to this tender is in terms of the Engineering and Construction Works contract with respect to the 7EP class of works and the applicable percentage is **0.25%** and is contained in the relevant BOQ/Pricing schedule attached

#### Please note:

Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GGN 36760 of March 2020) CSDG is applicable to all classes of works exceeding R60 M and where the contract duration is 12 months or more or to Professional Services/Service contract/order where the estimated contract exceeds R5M and where the contract duration is 12 months or more]

4 Contract Participation Goals is not applicable

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#### Please note:

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

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

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

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

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

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

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

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act

#### 13 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

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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.

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) hard copy of the tender	<b>✓</b>		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services (if applicable)		<b>✓</b>	
Annexure E	CPA(IG) for imported goods/services (if applicable)		<b>√</b>	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E [only applicable where designated materials are included]		<b>√</b>	
Annexure G (applicable for all suppliers including	SBD 1- to be completed and submitted by all tenderers		✓	
Foreign suppliers)				
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		<b>\</b>	
Annexure I	SBD 4 – Bidders Disclosure		<b>✓</b>	

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Reverse e-auction			N/A
training			
acknowledgement form			
(if applicable)		 	
Additional Documents	Letter of intent to form a	✓	
required in event of JV:-	JV/consortium or Valid joint venture		
	agreement confirming the rights and		
	obligations of each of the joint		
	venture partners and their profit-		
	sharing ratios	 <b>√</b>	
	Separate written confirmation that the	v	
	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		<b>√</b>
	designated bank account in the name		
	of the JV and independent of the		
	ındıvıdual JV partners, as set out in the		
	joint venture agreement	 	
# 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,	<u> </u>	
	be scored zero for Specific goals for		
	purposes of PPPFA scoring and		
Tax Clearance	ranking A certified copy of a tax clearance	 	
Certificates	certificate is still required by Foreign		*
Oci micates	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		
	provided their or the o liming	 	

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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  Evaluation Questionnaire (if whether a company, close corporation services contract and was included as annexure)  Compliance with Employment Equity Act Employment Equity Act  Employment Equity Act  Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employment Equity Act, including proof of submission of the Employment Equity Proof of Compliance with the Employment Equity Proof of the Employment Equity Proof
Questionnaire (if services contract and was included as annexure)  Compliance with Employment Equity Act Employer with proof of submission of the Employment Equity report to the Department of Labour (South African tenderers only)  CIDB (where applicable)  CIDB (where applicable)  whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]  whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]  To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act, including 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)  CIDB (where applicable)  Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
services contract and was included as annexure)  Compliance with Employment Equity Act Employer" as contemplated in 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)  CIDB (where applicable)  CIDB (where a
was included as annexure)  Compliance with 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)  CIDB (where applicable)  Vialid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
Compliance with 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)  CIDB (where applicable)  CIDB (where applicable)  Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
Compliance with Employment Equity Act 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)  CIDB (where applicable)  Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
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Employment Equity report to the Department of Labour (South African tenderers only)  CIDB (where Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
Department of Labour (South African tenderers only)  CIDB (where Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
tenderers only)  CIDB (where Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of
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as may be required in the tender data (Minimum) at tender closing deadline or within 21 working days from the closing date of
at tender closing deadline or within 21 working days from the closing date of
working days from the closing date of
submission of tenders if this is agreed
Submitted of terradion in this is agreed
with the Employer
NEC/FIDIC Completed NEC/FIDIC pricing ✓
Documentation schedule and contract data
Additional documents
required (ECSA/
SACPCMP/CVs/
permits/licenses/
specific registration
documents
(if applicable to scope

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	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)		
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		<b>√</b>
Quality	Documents that may be required per scope of work		✓
Other safety/quality documents as required per scope of works			<b>√</b>
Environmental	Documents that may be required as per scope of work		<b>√</b>
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  DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL		
Technical (required for	CRITERIA See attached technical requirements	 	
functionality scoring)	200 stadios to modification of the		

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## **Mandatory Requirements**

No.	Description
1	<ul> <li>MIE certificate - Submit proof of valid MIE certificate that will be issuing the CoCs for this Project</li> <li>A classified HAZLOC area cannot be deemed compliant without a valid CoC</li> </ul>
	issued by a registered MIE Qualitative evaluation phase shall not proceed without this submission
2	Minimum CIDB Level 6 (EP) Supply valid proof of CIDB grading the work is classified as construction work as per the construction regulations. Qualitative evaluation phase shall not proceed without this submission.

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#### **FUNCTIONAL EVALUATION**

A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications

Tenders need to have a weighted score of 70% or more to technically qualify for further evaluation

Qualitative Technical Criteria Description	Reference to Technical	Criteria Weighti	Scoring Scale			
Specification / Tender Returnable	Tender	ng (%)	0=0%	2=40%	4=80%	5=100%
Proof of previously issued HAZLOC CoC by the MIE	Copy of at least 3 CoC	30	Not submitted	Submitted 1 CoC copy	Submitted 2 CoC copies	Submitted 3 CoC copies
Qualified and Registered Electrician as per the Electrical Installation Regulation 5 (4) with at least 5 years relevant experience in HAZLOC for supervision of the work	Submit a copy of certificate as a registered electrician & copy of a CV highlighting the relevant experience	20	Not submitted both CV and Certificate Less than 3 years experience	Submitted both CV and certificate, with 3 years' experience	Submitted both CV and certificate with 4 years' experience	Submitted both CV and certificate both, with 5 years' experience

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Qualitative Technical Criteria Description	Reference to Technical	Criteria Weighti	Scoring Scale					
Specification / Tender Returnable	ng (%)	0=0%	2=40%	4=80%	5=100%			
An example of a Quality Control Plan for the project as per the SOW	Copy of a QCP as per SOW	5	Not submitted	Submitted and covers 40% of the SOW	Submitted and covers 80% of the SOW	Submitted and covers 100% of the SOW		
Provide (1 - 3) traceable evidence of similar executed work, contracts with completion certificates	Copy of Project Completion Certificate of similar SOW	20	Not submitted	Submitted 1 project completion certificate	Submitted 2 project completion certificate	Submitted 3 project completion certificate		
Safety officer with SAMTRACT or safety related qualification with (1 - 3) years	Attach SAMTRACT certificate with CV highlighting experience	10	No qualification or less than 1 year of experience	Certificate with 1 year of experience	Certificate with 2 years of experience	Certificate with 3 years of experience		
Project execution plan to complete scope of work at the tendered or contracted duration	Copy of Proposed Project Plan	15	Not submitted or submitted but Scope execution takes more than 36 months	Complete Scope execution at a contracted or tendered period in 31-36 months	Complete scope execution at a contracted or tendered period in 25-30 months	Complete scope execution at a contracted or tendered Period of 1 -24 months		
		100%		- Luc				

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Rating for Individual Technical Criteria	%	
Completely Meets Technical Requirement	100	
Meets Technical Requirement	70	
Does not Meet Technical Requirement	0 -69	1

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## **OBJECTIVE CRITERIA (Non-weighted criterion)**

## Safety and Health Requirements:

SHEQ is an objective criterion which means that tenders will be given an opportunity to submit once, within seven working days the SHEQ documents which they would have missed or not submitted during the Tender close out Only those Tenderers who submitted/ Responded within the specified time will be considered and those who did not no respond will be rendered non-responsive SHEQ will only evaluate the shortlisted suppliers who passed the mandatory requirements

Signed Annexure B Acknowledgement Form
OHS Policy signed by the Tenderer's CEO or MD
OHS Budget Breakdown covering the scope of works
Health and safety plan
Baseline Rısk Assessment
Past 3 years OHS Statistics (fatalities, LTI's and Legally Reportable Incidents) suffered by the tenderer (if none signed letterhead to this effect must be forwarded)
Past 3 years OHS Legal notices issued against the tenderer e.g. Department of labour (if none signed letterhead to this effect must be forwarded)
Tenderer's valid letter of good standing with compensation fund or licensed insurer
Medical fitness certificate x 1 or medical surveillance programme for non-operational suppliers or supplier with no employees
Covid-19 response plan
Applicable safe work procedure

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# **Quality requirements:**

SECTION A (TENDER ER)	ENQUIRY/ CONTRACT No: ENQUIRY/	Hazardous locations refu	of two (2) years				
SE( TE	CONTRACT						
	CLAUSES OF 240-105658000 SPECIFICATIO		CLAUSE DESCRIPTION		INDICATE WITH AN (X) AS APPLICABLE OR (- ) IF NOT APPLICABLE		
CONTRIBUTION AND TO SERVICE STREET	CLAUSE 3	PRE-CONTRACT AWA	RD QUALITY REQUIREME	ENTS	X		
		must be selected. Also	ole Category). <u>NB:</u> Not m indicate whether site ass	essment is applica			
		Category 1 (refer to clau	use 4 1 1 of 240-10565800	0)	•		
	CLAUSE 4	Category 2 (refer to clas	use 4.1.2 of 240-10565800	0)	4		
		Calegory 3 (refer to clai	use 4 1 3 of 240-10565800	0)	-		
SECTION B (ESKOM)		Category 4 (refer to clar	use 4.1.4 of 240-10565800	0)	X		
	]		ier Site Assessment (refe	r to clause 4.2 of	f 240-		
		POST-CONTRACT AWA	ARD				
) (ii)		Contract Execution	(refer to clause 5.1 of 240	-105658000)	X		
TION B	CLAUSE 5	Supplier Quality Performance Monitoring Phase (refer to clause 5.2 of 240-105658000)					
띯		STANDARD CONDITIO					
		Eskom Rights of Access (refer to clause 6 1 of 240-105658000)			Х		
		Eskom Rights to Informa	X				
	CLAUSE 6	Preservation and Storag	Х				
	JEAGGE 6	Supplier Quality Audits (refer to clause 6 4 of 240-105658000)			X		
		fer to X					
		Special Processes (refer	to clause 6 6 of 240-10565	8000)	Х		
	CLAUSES OF ISO 9001 STANDARD		CLAUSE DESCRIPTION		INDICATE WITH AN (X) AS APPLICABLE OR (- ) IF NOT APPLICABLE		
	CLAUSE 4	Context of the Organisat	x				
U_	CLAUSE 5	Leadership			х х		
N E	CLAUSE 6 CLAUSE 7	Support	Planning				
SECTION C (ESKOM)	CLAUSE 8	Operation					
N E	CLAUSE 9	Performance Evaluations	3		X X		
	CLAUSE 10	Improvement			X		
SECTI ON D (ESKO M)	ESKOM'S QUALITY REPRESENTAT	NAME	DESIGNATIO	N DATE	SIGNATURE		
	LIVE	NAME	DESIGNATIO	N DATE	SIGNATURE		
SECTION E (TENDERER)	TENDERER'S QUALITY REPRESENTAT IVE						

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	Supplier Quality Manageme		Unique Identifier	240-1224	8652	
(2) Eskom	1	-	Revision	5		
(1) C21(O11)			Effective Date	2019/10/07		
	Docu	ments	Specification	240-1056		
Category 4:	Category 4: Quality Requirements Deliverables to be evaluated indicator = 1			Weigh	its	
esteration per para de la companya del companya de la companya del companya de la	SECTION A:	Quality Management Sys	tem Requirements ISO 9001	and a control of the	MATTERNATION CONTRACTOR AND ASSESSMENT	
	Objective evidence of d	ocumented QMS that is n	not certified but complies with ISO 900:			
				Apply (Yes=1)		
A.1 Quality N	Nethod statement based	on scope.	- Western	1	40%	
A.2 Aproved	Quality Control Plan che	ck list		1		
A.3 Bill of Ma	aterial where applicable			1		
and the second s	на коронун (МАС-е) болош шагаш тиш шаганда харих халуучун хөө Мүй үйрөн мөнөө тиш тайш тиш тайгадага	Section A Score	тими б <sub>ент</sub> индин теориун төрүү бүй башкоооо дегинин тан дегинин байкан байкан төгөө дегинин тан түүчү	3		
SECTION B:	Evidence of QMS in opera	ation (Tender Quality Req	uirements -240-105658000 /240-105658	3000)		
			Apply (Yes=1)			
B.1 Documented information for defined roles, responsibilities and authorities				0		
B.2 Documer	B.2 Documented information for Control of Externally Provided Processes, Products and Services				40%	
		Section B Score	A CONTRACTOR OF THE PARTY OF TH	1		
	SECTION E: User define	d additional Requiremen	ts & miscellaneous (Ref 240-105658000	)		
Cu	stomer specific requirem	ents & other standards an	nd required can be listed and evaluated	l here		
				Apply (Yes=1)		
E.1 Form A is	completed and signed.			1	20%	
Section E Score			1 1			
NAME OF ESK	OM REPRESENTATIVE					
DATE ISSUED						
PROJECT: TEN	DER TITLE					
SIGNATURE			1			

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## **Environmental requirements:**

Environmental Objective Criteria		
Category A: Contractors	Yes/No	Comments
All contractors working for and on behalf of Matla Power Station on a once off (supply and delivery) or outage programs and with their activities which might not cause potential harm to the environment as per scope of work by environmental practitioner professional discretion. Assessment for these contractors shall be done by completing the Environmental Contractor Assessment form, If there is any yes to the questionnaire then the Environmental Officer must be notified to conduct a proper assessment on the contract. These suppliers or contractors must adhere or adopt the Contract Manager' Environmental Aspect and Impact register and the management thereof	YES	
Completion of Environmental Contractors Assessment Form.		
Sign Contractors commitment and indemnity letter		
OR ISO14001 certified with valid certificate		

Contractual requirements mean that the suppliers will submit the tender returnable during the tender close-out. The evaluation will take place once the mandatory and Functionality evaluation have been completed. Only the shortlisted tenderers who passed mandatory and functionality evaluation threshold will be evaluated.

The tenderers will be given an opportunity to submit the outstanding documents within 7 working days after the first evaluation. Failure to submit the outstanding documents within the stipulated time, may result in the tenderer being regarded as non-responsive and ineligible for contract award. Those who submitted will be re-evaluated and the evaluation report will be submitted to procurement.

This Safety requirements are for tender purpose, upon signing the contract the supplier/contractor shall comply with Matla Power station's Safety file requirements. No work will commence until the Safety file is approved by OHS professional together with the Project Manager.

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#### Section 1: Specific Goals

A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

## NB: The following documents are required to claim preference points,

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit
   / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- · Proof of Disability (where applicable)

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Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'

- May only score point out of 90/80 for price
- Scores 0 points out of 10/20 for specific goals

## Section 2: Objective Criteria

The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.

#### 2.1. Designated Sectors

When applicable the fo	ollowing stipulated minimum t	hreshold for Loca	Production and	d Content mus
be achieved in full by	the tenderer			

a) Is this Commodity or part of it a Designated Sector?

YES	NO
☑	

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
Fabricated Structural Steel	Gutters, beams, spacers, tabs, brackets	100%
Power, Control and Protection Cables	Cabling	90%
PPE	Reflector Vests, Jackets, Boots, Textiles, Clothing, Leather & Footwear, etc	100%

**NOTE** SBD 6 2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory** and must be tender returnables if applicable

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# Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

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

1 BBBEE requirements: All tenderers are required at a minimum maintain their BBBEE status throughout the contract period

#### 2. Local Procurement Content

"Local Procurement Content" refers to value added in South Africa by South African resources Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component Tenderers are required to submit their proposals in the table below.

Local Procurement	Eskom target	Tenderer Proposal
Content		
1	100%	

## 3. Procurement spend on entities with a minimum 51% black ownership

The winning tenderer is encouraged to procure/spend on designated groups from rural / underdeveloped / townships for both

- the indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups, and
  - direct spend on goods and services supplied by the subcontractors for the execution of the scope of work

Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below

Procurement Designated Group	from	Eskom Target	Tenderer Proposal
Black Owned		15%	
			,

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4. 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

## 5. Skills development

Tenderers are required to submit proposals in a table below for developing the skills of unemployed candidates in the country. Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa.

Category	Quantity	Entry Level	Output	Tenderers proposal
C&I Artisans	2	N3/Grade 12 or Equivalent	Trade Test	
Electrical Artisans		N3/Grade 12 or Equivalent	On a job training	

The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's 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. The 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.

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#### 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.

Eskom will apply a penalty of 2 5% of the Contract Value for failure to meet SDL&I obligations

For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon

- Eskom receives the SDL&I progress report/s from the contractor
- Fulfilment of all SDL&I obligations by the contractor
- Submission of an approved compliance report by SDL&I Department

#### Section 5: Reporting and Monitoring

- The suppliers shall on a 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 30 (thirty) 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.
- 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. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments

## Section 6: Market Research

The following information demonstrates market analysis and assisted in arriving at the targets above.					
Current Suppliers Providing the Services	•				
Open Tender					

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## 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

# **Corporate Social Investment**

Successful shall be expected to contribute 2% towards corporate social investment initiatives to benefit communities around Matla This item shall be negotiated with the successful bidder

Criteria	Expected CSI	Target (%)	Proposal
	(%)		
CSI	2%	2%	

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# **ANNEXURE A**

## ACKNOWLEDGEMENT FORM

	e in receipt of the Invitation to Tender from Eskom Holdings SOC Ltd and the ing addenda issued by Eskom
We co	onfirm that the documentation received by us is (Indicate by ticking the box)
	ct as stated in the Invitation to Tender Content List, and that each document is lete. $\square$
Or:	Incorrect or incomplete for the following reasons
Catal	oguing Acknowledgement:
	se 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.

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Invitation to Tenderl	No <sup>.</sup>	 	
Name of company/J	J	 	
Country of registration	on		
Name of contact per	son	 	
Contact details of co	ntact person		
Tel (landline)		 	
Cell phone		 	*
e-mail address		 	

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## **ANNEXURE B**

number):

## **TENDERER'S PARTICULARS**

The tenderer must furnish the following particulars where applicable:

Individual tenderer	
Unincorporated Joint venture (registration numb for each member of the JV)	per
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)	

Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration

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	}		

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VAT regi	stration number		
CIDB Registration number (if applicable) and CIDB			
grade sp	ecified for the sub-contractor as may be		
stipulated	d in the Tender Data		
Proposed	Scope of work to be done by sub-contractor		
Contact	person		
Telephor	ne number		
Fax num	ber		
E-mail ad	ldress		
Postal ac	Idress		
Physical address			
1	If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom		
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		

7 If sub-contracting is prescribed in the specific enquiry, you need to compete 8.1-87

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8

8	1	Confirm if	vou intend	sub-contracting
---	---	------------	------------	-----------------

YES NO
8 2 What percentage will you be sub-contracting?%
8 3 To whom do you intend sub-contracting?
8 4 ls 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

1				<del></del>
ı	YES	,	NO	

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1.	Single tenderers  I, the undersigned,	(Full	names) hereby						
	confirm that I am duly au	thorised to sign all documents in connection with this on behalf of (insert the fi	tender and any						
	Signature								
	Designation								
	Date								
2.		submitting this tender in Joint Venture and her (full names), an author							
		, (insert the full legal name of the business entity							
		acting in the capacity of lead partner, to sign all doctract resulting from it on our behalf.	cuments in connec	noır					
	all partners are liable jointly authorised to incur liabilities	a copy of the joint venture agreement which incorpo and severally for the execution of the contract and t is, receive instructions and payments and be resp and on behalf of any and all the partners	hat the lead partn	er is					
	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:
  - an individual is related to another individual of 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,
  - 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 process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process,

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

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

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

Item	Question	Yes	No
11	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 ( <u>www treasury gov za</u> )		
12	Is the tenderer/s (or any of its directors / members / shareholders)? Iisted 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 ( <u>www treasury gov za</u> )		
13	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?		
131	Provide details		
14	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		-
15	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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, the und	dersigned		[Position]	hereby	decla
hat I am	the duly author	rised represei	ntative of	[Name of Tenderer]	
		•	individuals and/or entities list [Name of Tenderer]	ed hereunder are Sharehol	ders
Note the	at this inform	nation in the	tables hereunder must be f	ully completed for each te	ender
includir	ng incorporate	ed JVs). In	event that the tenderer is an	unincorporated JV, this m	ust k
omplet	ed for each J\	/ member. Pl	ease add additional rows if req	uired.	
ndividu	als:				
Full Nam	e	lde	ntity Number	Shareholding Percentage	
			4		
Other Er	ntities*:				
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/benefic of the shareholding entity	ıaries

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l, 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).							
information furnished herein is correct, that it is unde	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						
give my consent for this information to be used Declaration Form and/or in relation to the Supplier In	for the purpose as described in this Integrity ntegrity Pact, and						
I further consent that information provided in terr processed for verification of conflicts of interest a processing may include the sharing of the information	and other ancillary purposes by Eskom. Such						
Signature:							
Designation and capacity in which signing							
Date:							

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Joint Ventures	
capacity of lead partner, I am duly authorised to	_(full names) hereby confirm that acting in the sign all documents in connection with the tender (insert the full legal
information furnished herein is correct, that it is	provisions of the Supplier Integrity Pact, that all understood that the JV's tender/proposal may be should any aspect of this declaration prove to be
I give my consent for this information to be us Declaration Form and/or in relation to the Supplie	ed for the purpose as described in this Integrity er Integrity Pact, and
·	terms of this Integrity Declaration Form may be st and other ancillary purposes by Eskom. Such nation with third parties.
Signature:	
Designation and capacity in which signing	
Date:	
severally for the execution of the contract and that the	prates a statement that all partners are liable jointly and the lead partner is authorised to incur liabilities, receive the entire execution of the contract for and on behalf of the tender/Request for proposal)

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#### **ANNEXURE D**

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

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

This Section will not be applicable to professional services contract

#### 1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted

# 2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements

#### a. Main offer

- 1 A Main Offer that is fully compliant with the CPA requirements as specified in the Enguiry
- 2. This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

#### b. Additional/Alternative offer:

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

- 1. A fixed priced offer in addition to the fully CPA compliant main offer, or
- 2 Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry However, it is compulsory that all such deviations are sufficiently substantiated

Additional/Alternative Offers must be clearly indicated as such

#### 3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

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#### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply

- 1 The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS
- 2 The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index

#### 3. NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e. a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement

#### 4. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies, except in the case of professional services or consulting agreements

#### 5. 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
- 2. 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

- 1 In this case, the following shall apply:
  - 1 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

- 3 Where other prices than the Cash Settlement or Cash Sellers Price are published The Cash Settlement or Cash Sellers Price
- 2 Where applicable, these principles, must also apply for the CPA "cut-off" date

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#### 3. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory

Signed Date

Name Position

Tenderer

Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices

Labour	Commodities	Processed material	Transport	Others	
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142 1 Table 2, basic Iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)	
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1,			
Labour general SEIFSA, C3 (a), actual labour cost	Aluminium SEIFSA, R, aluminium	electrical engineering material		StasSA, PO142 1), PPI 4 Final	
(field force) where subsistence allowance is paid	Zinc SEIFSA, F, zinc	Building and construction material		Manufacture d Goods	
	Lead SEIFSA ,F, lead	SEIFSA, G, building and construction material		Or 5 Intermediate Manufacture d Goods OR	
				6 SEIFSA Table U Producer	

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			Price I (PPI - final manufa GOODS OR Intermediate Manufactured Goods	ctured	

# Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country- specific general transport cost	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute,
	LME, Copper	National Statistical Institute,	index	Country-specific
	LME, aluminium	Country-specific electrical engineering material		
	LME, zinc	National Statistical Institute,		
	LME, lead	Country-specific building and construction material		

Closing date of tender	f	<u>/</u>		
TENDERER'S SIGNATURE	 			

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#### PRICE ADJUSTMENT FOR INFLATION TO BE COMPLETED

Item	Description of Work	Proportion %	Source of Index (CPI, PPI, SEIFSA)	Index Table
1	Material			
2	Labour			
3	Transport			
4	Non-Adjustable	10%		
	Total Percentage:	100%		

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#### **ANNEXURE E**

# CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

#### CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS - IMPORTATION

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document

Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method

#### 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 must be the direct importer of the goods Applicable (Y / N)

#### Payment Method 1B,

To a valid SARB approved CFC account in South Africa, 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:

- 1 The contracting party must be the direct importer
- 2 For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- 3 The foreign currency values on both the commercial and local invoice must be the same Eskom will not pay any profit in foreign currency.
- 4 Service related payments are excluded from this option,

#### 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

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#### Please note

- 1 The contracting party has to be the direct importer of the goods
- 2 This payment option is not applicable for the payment of services

#### Applicable (Y/N).....

An indemnity in writing confirming that the supplier will not buy forward cover is required where Payment Method 1 or 2 is contracted

[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender closing date. If it is not approved before tender closing, Payment Method 1 will be the default.]

### Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used

## Applicable (Y/N).....

Please note Eskom will require substantiating proof of importation at the time of invoicing, if payment methods 1A.1B and 2 are selected

Where goods were previously imported into stock by the supplier, 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.

#### **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

# PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account

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	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

# PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS (To be read in conjunction with Eskom CPA Index)

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 it must be clearly and completely defined. Supplier in-house indices are not acceptable.

The value of overseas manufacture, labour and material costs (ex-works), inland transportation, expatriate labour, etc included in the tender/contract price shall be subject to adjustment in accordance with the methods stated hereunder

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

1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

Please submit your proposals for this section on a separate sheet of paper as an annexure

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#### 2 EXPATRIATE LABOUR METHOD

Please submit your proposals for this section on a separate sheet of paper as an annexure

3 OTHER VALUES METHOD (e.g. Engineering fees, design fees, barging, inland transportation, etc.)

Please submit your proposals for this section on a separate sheet of paper as an annexure

# PART 5: ADJUSTMENT OF LOCAL MANUFACTURE/SUPPLY MATERIAL, TRANSPORT AND ERECTION COSTS

The contract price adjustment method for local manufacture or partly local manufacture from imported stock, equipment or plant cost, transport cost within the RSA and local erection/installation cost shall be in accordance with the attached Eskom CPA Principles

#### PART 6: GUIDELINES FOR CONTRACT PRICE ADJUSTMENT CLAIMS --- PART 2, 3 AND 4

- When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base
- Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price
- Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked
- Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply
- Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
- 6 Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract
- 7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims

Closing date of tender	
TENDERER'S SIGNATURE	

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#### **ANNEXURE F1**

SBD 62

# DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed by the Dtic, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286 2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration Summary Schedule), D (Imported Content Declaration Supporting Schedule to Annex C) and E (Local Content Declaration Supporting Schedule to Annex C)]

#### 1. General Conditions

- 1.1 Dtic makes provision for the promotion of local production and content
- 1 2 Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered
- 1 3 A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold
- 1 4 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286 2011 as follows

$$LC = [1 - x / y] * 100$$

## Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12.00 on the date of advertisement of the bid as indicated in paragraph 4.1 below

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial development/ip.jsp at no cost.

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- 1 5 A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration Summary Schedule) are not submitted at the stipulated deadlines
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods	Stipulated minimum threshold
	%
	%
	%

3 Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

parteres de la constanta de la	Control of the Control of the Control		and the second s
YES		NO	

If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12.00 on the date of advertisement of the bid

The relevant rates of exchange information is accessible on www reservebank co za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286 2011).

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB Bidders must submit proof of the SARB rate (s) of exchange used

Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dtic must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard

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# LOCAL CONTENT DECLARATION (REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

**ISSUED BY** (Procurement Authority / Name of Institution)

NΒ

- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder
- 2 Guidance on the Calculation of Local Content is accessible on http://www.thdti.gov.za/industrial development/ip.jsp
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline
- Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.
- (a) The facts contained herein are within my own personal knowledge
- (b) I have satisfied myself that.
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286 2011, and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286 2011, the rates of exchange indicated in paragraph 4.1 above and

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the information contained in Declaration D and E which has been consolidated in Declaration C

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286 2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286 2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286 2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000)

SIGNATURE:	DATE:
WITNESS No. 1	DATE:
WITNESS No. 2	DATE:

Annexure F2- Local content Declaration-Summary Schedule (annex C)

Adobe Acrobat Document

<u>Annexure F3 - Imports Declaration-Supporting</u> schedule to Annex C(annex D)

Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)





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# **ANNEXURE G**

SBD 1

# PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR I			IE (NAME (	OF DEP		
BID NUMBER	CLOS	ING DATE			CLOS	SING TIME.
DESCRIPTION	LUBED TO	FILL IN AND	NOIDH A IA	(D) TT-L	CONTRACT	CODAL (ODDA)
THE SUCCESSFUL BIDDER WILL BE REC				KILLEN	CONTRACTE	ORM (SBD7).
BOX SITUATED AT (STREET ADDRESS)	PEPUSITEL	יוא וחב סוי	U			
BOX ON ON LEST MEDICEO						
	<u> </u>					
			_			
SUPPLIER INFORMATION						
NAME OF BIDDER						······
POSTAL ADDRESS						
STREET ADDRESS					E	
TELEPHONE NUMBER	CODE				NUMBER	
CELLPHONE NUMBER					,	<i>-</i>
FACSIMILE NUMBER	CODE				NUMBER	
E-MAIL ADDRESS		***************************************			*	
VAT REGISTRATION NUMBER						
	TCS PIN			OR	CSD No.	
B-BBEE STATUS LEVEL VERIFICATION	Yes				E STATUS	Yes
CERTIFICATE   [TICK APPLICABLE BOX]				LEVEL AFFID	SWORN	No No
IF YES, WHO WAS THE CERTIFICATE	I I IVO			AFFID	AVII	
ISSUED BY?						
					ER AS CON	TEMPLATED IN THE CLOSE
AN ACCOUNTING OFFICER AS	<b>-</b>	CORPORA	ATION ACT	(CCA)	/ ACCDEDITE	D BY THE SOUTH AFRICAN
CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME			TATION SY			D BY THE SOUTH AFRICAN
THE APPLICABLE IN THE TICK BOX	<del></del>		ERED AUD		3,110,107	
		NAME				
[A B-BBEE STATUS LEVEL VERIF SUBMITTED IN ORDER TO QUALIFY F						R EMEs& QSEs) MUST BE

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<b>⊗</b> Eskom	Invitation to Tender	Document Identifier	240-114238630	Rev	16
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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes	□No 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	E DIRECTED TO:	TECH	NICAL INFORMATION MAY	BE DIRECTED TO:
DEPARTMENT/ PUBLIC ENTITY		CONT	ACT PERSON	
CONTACT PERSON		TELEP	HONE NUMBER	
TELEPHONE NUMBER	FACSIMI		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL	ADDRESS	
E-MAIL ADDRESS				

# 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.
- 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
- 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

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4	BIDDERS M	AY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID	
5		HERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY NPROOF OF TCS/PIN/CSD NUMBER.	MUST SUBMIT A
6		TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABAS UST BE PROVIDED	E (CSD), A CSD
	QUESTION	IAIRE TO BIDDING FOREIGN SUPPLIERS	
	1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? NO	☐ YES ☐
	2	DOES THE BIDDER HAVE A BRANCH IN THE RSA? NO	☐ YES ☐
	3	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? NO	☐ YES ☐
	4	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? NO	YES
	COMPLIANC	IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLI E SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGIS	

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

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ANNEXURE H 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 the 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

- The following preference point systems are applicable to invitations to tender.
- 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

(delete whichever is not applicable for this tender)

- 1 The applicable preference point system for this tender is the 90/10 preference point system
- 2 The applicable preference point system for this tender is the 80/20 preference point system
- 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.
  - 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

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# 1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 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
- 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

#### 4. DEFINITIONS

- "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,
- "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,
- "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

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#### 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

 $Ps=80\left(1-rac{Pt-P\,min}{P\,min}
ight)$  or  $Ps=90\left(1-rac{Pt-P\,min}{P\,min}
ight)$ 

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

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

#### POINTS AWARDED FOR PRICE

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

$$Ps = 80\left(1 + \frac{Pt - Pmax}{Pmax}\right)$$
 or  $Ps = 90\left(1 + \frac{Pt - Pmax}{Pmax}\right)$ 

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

- 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

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that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system)  (To be completed by the tenderer)
0 500				

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#### **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]

- 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.
  - The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form,
  - 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,
- 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

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	SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME	
DATE	
ADDRESS	

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Annexure I SBD 4

#### BIDDER'S DISCLOSURE

#### 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
	N_00000-1-	
**		

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<sup>1</sup> 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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- 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
- 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,
- The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 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
- There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the

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



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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

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	

# Controlled Disclosure

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