

	Invitation to Tender	Template Identifier	240-43921804	Rev	6
		Document Identifier	240-114238630	Rev	10
		Effective Date	03 March 2020		
		Review Date	March 2023		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

**THE SUPPLY, DELIVERY AND OFF-LOADING OF CAUSTIC SODA TO VARIOUS
ESKOM POWER STATIONS ON AN “AS AND WHEN” REQUIRED BASIS FOR A
PERIOD OF FIVE (5) YEARS.**

Tender number	MWP1012GX
Name of Buyer	Name: Ms. Marubini Chauke Address: Maxwell Drive, Sunninghill, Ext 3 Tel No: +27 11 800 6085 Fax No: 086 537 4276 E mail: Chaukem@eskom.co.za
Issue date	26 November 2021
Closing date and time	19 January 2022 at 10:00
Tender validity period	52 Weeks from the closing date and time
Clarification meeting (Non-compulsory)	A non-compulsory meeting will be held as follows: Date and Time: 07 December 2021 at 12:00 Tenderers will be required to confirm their attendance by 06 December 2021 by sending their email addresses to Chaukem@eskom.co.za These emails will be used for the invite. Meeting will be held via Microsoft Team.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Holdings SOC Limited Megawatt Park Retail Centre Megawatt Park Tender Office situated on the Northside Maxwell Drive Sunninghill Sandton

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender for* Supply, delivery and off-loading of Caustic Soda to various Eskom power stations on an “as and when” required basis for a period of 5 (five) years.

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

- 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



Boiketlo Mashila

Procurement Manager

Date: 26 November 2021

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The following documents listed hereunder are attached to this enquiry:

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.9	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] .		Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)		Y
	Declaration of fair bidding practices form		Y
	Authority to submit a tender		Y
	Supplier declaration of interest form		Y
	Acknowledgement Form - Reverse E-auctioning Training	Annexure A.1	Y
	Confirmation of Last Bid Template	Annexure N	Y
	Definition of Reverse E-auctioning	Annexure A.2	Y

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Marubini Chauke

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	Tel: 011 800 6085 E-mail: Chaukem@eskom.co.za
1.3 Enquiry documents	The Invitation to tender number is: MWP1012GX See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender	This invitation to tender is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole/parts 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 not under any restriction to do business with Eskom/State Owned Companies. Tenderers are deemed ineligible to submit a tender if • 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. • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • 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. • 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 of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)

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	- A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations - Any tenderer that is restricted by National Treasury - A tenderer that sub-contracts 100% Scope of Work. Ineligible tenderers will be disqualified.
2.2 -2.5 Tender Closing	The deadline for Tender submission is: Date 19 January 2022 Time 10:00 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 Holdings SOC Limited Megawatt Park Retail Centre Megawatt Park Tender Office situated on the Northside Maxwell Drive Sunninghill Sandton
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. 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 : 52 Weeks from the closing date and time
2.16 Site/clarification meetings	A non-compulsory clarification meeting with representatives of the <i>Purchaser</i> will take place as follows: Date and Time: 07 December 2021 at 12:00 Venue: Microsoft Team Tenderers will be required to confirm their attendance by 06 December 2021 by sending their email addresses to Chaukem@eskom.co.za These emails will be used for the invite. Meeting will be held via Microsoft Team.
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 3 working days before the deadline for tender submission.

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2.23 Alternative tenders	Alternative tenders are <i>not allowed</i> .						
2.25 Conditions of contract	The conditions of contract will be the <i>NEC3 Supply Contract</i> .						
2.31 Provision of security for performance	Eskom may request Parent Company Guarantee where necessary.						
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline. Tenders will be opened on 19 January 2022 at: THE TENDER OFFICE Eskom Holdings SOC Limited Megawatt Park Retail Centre Megawatt Park Tender Office situated on the Northside Maxwell Drive Sunninghill Sandton Time: 10:00						
3.5 Prices to be read out	Prices will <i>not be read out</i> .						
3.9 Basic Compliance	Basic compliance for this invitation to tender are: • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)						
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents for evaluation as stipulated in the Tender Returnable section will be deemed non-responsive.						
3.11 Pre-qualification criteria	Pre-qualification criteria <i>not applicable</i>						
3.12 Designated materials and thresholds	Designated material thresholds <i>are not applicable</i>						
3.13 Functionality requirements	Functionality requirements <i>are applicable</i> The following criteria will be applicable for this transaction under functionality criteria: <table border="1"> <thead> <tr> <th>Technical Tender Evaluation Criteria</th><th>Weighting</th></tr> </thead> <tbody> <tr> <td>Product specification from Manufacturer demonstrating compliance to all parameters listed in Eskom specification</td><td>30%</td></tr> <tr> <td>Distributor to provide signed letter from Manufacturer confirming agreement to provide</td><td>20%</td></tr> </tbody> </table>	Technical Tender Evaluation Criteria	Weighting	Product specification from Manufacturer demonstrating compliance to all parameters listed in Eskom specification	30%	Distributor to provide signed letter from Manufacturer confirming agreement to provide	20%
Technical Tender Evaluation Criteria	Weighting						
Product specification from Manufacturer demonstrating compliance to all parameters listed in Eskom specification	30%						
Distributor to provide signed letter from Manufacturer confirming agreement to provide	20%						

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	required volume of compliant product for duration of contract	
	Transporter's documentation demonstrating measures in place to prevent contamination of product being transported	20%
	References from Transporter demonstrating experience with transport of this bulk chemical product	20%
	Guaranteed lead time for delivery of product	10%
The minimum threshold for the technical evaluation is 75%. Tenderers who do not meet the threshold will be deemed technically unacceptable and will not be evaluated further.		
3.15 Evaluation of price	Price points will be calculated out of 90/10 for price. A maximum of 10 points on the 90/10 will be allocated to the B-BBEE level contribution. The prices and preference points will be added together to determine the highest scoring tenderer using reverse E-auction. Prices will be evaluated as follows: • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • 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. • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. Prices will be scored out of 90 points	
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 10 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 90 points for price and will score 0 points for B-BBEE level /status out of 10.	

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3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: 90/10 Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. Eskom intends awarding a maximum of two contracts, and the tenderer that scores the highest points after the 90/10 scoring methodology will be allocated 60% of the total quantities and 40% to the second highest ranked supplier. In the event that the second highest ranked supplier's rates are more than 6% higher than the first highest ranked supplier, Eskom reserves the right to reduce the proposed allocation to a fixed 10% of the total quantities and allocate a fixed 90% to the supplier ranked number one.
3.19 Objective Criteria (if applicable)	Objective criteria are <i>not applicable</i>
Contractual Requirements (if applicable)	Contractual requirements are not evaluation criteria and must be met after the evaluation and ranking of the tenders. In the case that a supplier does not meet the requirement, e.g. Financial viability, mitigating factors may be decide on and made contractual requirements. If the tenderer does not meet or agree with the mitigating factors or the contract requirements, a tender may be awarded to a supplier who did not score the highest number of points on the 90/10 preference points system. Contractual requirements mean 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 suppliers who passed mandatory and functionality evaluation threshold will be evaluated. The suppliers will be given only ONE opportunity to submit the outstanding documents within 7 working days. 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. In the event that there are further documents 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. mitigating factors may be decide on and made contractual requirements.

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	If the tenderer does not meet or agree with the mitigating factors or the contract requirements, a tender may be awarded to a supplier who did not score the highest number of points on the 90/10 preference points system. Contractual requirements mean 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 suppliers who passed mandatory and functionality evaluation threshold will be evaluated. The suppliers will be given only ONE opportunity to submit the outstanding documents within 7 working days. 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. In the event that there are further documents 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. The following fall under contractual requirements: a) SD&L b) SHE c) Quality d) Financial Analysis e) NEC3 Supply Contract (SC3) f) Commercial Contractual requirements will be applied after tender evaluations and will be linked to contract award and may not necessarily be linked to the allocation of points for further scoring.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <i>are not applicable</i>

Please note:

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 supplier subcontracts with a subsidiary this must be declared in tender documents.

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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.

1.3 TENDER RETURNABLES

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	- A complete original tender, - Plus one (1) hard copy of the original tender at tender submission deadline	✓	
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars		✓
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)		✓
Annexure E	CPA(IG) for imported goods/services (if applicable)		✓
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
	Declaration of fair bidding practices form		✓
	Authority to submit a tender	✓	
	Supplier declaration of interest form		✓
Annexure A.1	Acknowledgement Form - Reverse E-auctioning Training	✓	
Annexure N	Confirmation of Last Bid Template		✓
	Confidentiality and Non-Disclosure agreement		✓
CSD	Proof of registration on the CSD (CSD number)		✓
SD&L	Supplier Development & Localisation (SD&L) Undertaking		✓

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Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	“proof of B-BBEE status level of contributor” means: - (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act. (as may be applicable for the tendering entity)		✓
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
*“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	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.		✓

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Empowerment Act.			
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.		✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
Price List	Pricing schedule		✓
DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COIDA) or a licensed compensation insurer (South African tenderers only)		✓

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	The acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) signed and submitted by the tenderer?		✓
	OHS plan to be aligned with the Specification of this project.		✓
	Scope specific Baseline Risk Assessment		✓
	SHE policy signed by CEO/ MD- Comply to OHS Act Section 7 or OSHAS 18001		✓
	Material Safety Data Sheet		✓
	Environmental Management plan		✓
Quality	Category 2 QM 58 criteria as per appendix		✓
	Section A (Option 1 or Option 2) as per appendix		✓
	Section B • B.1 Documented information for defined roles, responsibilities, and authorities - approved organogram; manufacturing QA and QC organogram with roles and responsibilities for all designations. • B.2 Documented information for Control of Externally Provided Processes, Products and Services - Purchasing process; supporting documentation- supplier evaluation reports; purchased products verification reports • B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) • B.5 Records of Management Review meetings (minutes, attendance registers etc)		✓
	Section C Scope of work specific CQP as per template provided		✓
	Section D: Product Manufacturing Quality Control Plan& Product Delivery Quality Control Plan		✓
	Section E • E.1 Form A is completed and signed. • E.2 Post-delivery activities associated with the Caustic Soda - warranty provisions; post-delivery support offered. • E.2 Caustic Soda Preservation requirements - storage and transportation requirements		✓
Due Diligence	Audited Financial Statements of the <i>tenderer</i> 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		✓

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	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/TECHNICAL CRITERIA FOR CAUSTIC SODA TENDER			
Technical (required for functionality scoring)	Product specification from manufacturer demonstrating compliance to all parameters listed in Eskom specification for Caustic soda. (Note that Material Safety Data Sheet will not be accepted).	✓	
	Tenderer to provide a signed letter from manufacturer confirming agreement to provide required volumes of compliant product for duration of contract.	✓	

Evaluation Process

The evaluation will be conducted in terms of the Preferential Procurement Policy Framework Act ("PPPFA"). The 90/10 scoring system will apply to this evaluation. The evaluation process and criteria will be as follows:

Price points will be calculated out of 90 for price. A maximum of 10 points will be allocated for the highest B-BBEE level contribution.

The prices and preference points will be added together to, and suppliers will be ranked accordingly with the highest scoring supplier ranked number one down to the lowest ranking tenderer.

Ps = Points scored for comparative price of bid or offer under consideration.

Pt = Comparative price of bid or offer under consideration.

Pmin = Comparative price of lowest acceptable bid or offer.

a) Step 1 – Basic Compliance

The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.

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Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified and will not be evaluated further if they do not meet the requirements of basic compliance.

b) Step 2 – Mandatory Requirements

Tenderers shall submit all the required information or documents to be eligible for threshold evaluation. Only tenderers that are successful through mandatory requirements will proceed to the next phase.

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

c) Step 3 – Functionality: Technical

Functionality will be evaluated on a total weight of 100% with a minimum threshold of 75%. A minimum overall threshold will have to be met before proceeding to the next stage of evaluation, and failure to achieve the minimum threshold will result in disqualification and the supplier will not be evaluated further. Only desktop evaluation of the supplier's submission will be done, and factory assessment will not be performed for the caustic soda tender.

Table 6: Functionality / Technical Evaluations Scoring for Caustic Soda Tender

Technical Tender Evaluation Criteria	Weighting
Product specification from Manufacturer demonstrating compliance to all parameters listed in Eskom specification	30%
Distributor to provide signed letter from Manufacturer confirming agreement to provide required volume of compliant product for duration of contract	20%
Transporter's documentation demonstrating measures in place to prevent contamination of product being transported	20%
References from Transporter demonstrating experience with transport of this bulk chemical product	20%
Guaranteed lead time for delivery of product	10%

The minimum threshold for the technical evaluation is 75%. Tenderers who do not meet the threshold will be found technically unacceptable and will not be evaluated further.

SCOPE OF WORK

The scope of work is supply, delivery and off-loading of Caustic Soda on an "as and when" required basis to various Eskom stations for a period of 5 years.

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The Suppliers shall provide caustic soda with the following technical specification:

Parameters	Units	Specification
Strength	% m/m as NaOH	47 (min) – 50(max)
Specific Gravity at 20 degrees centigrade	-	1.50 (min)
Chloride (Cl)	% m/m	0.03 (max)
Iron (Fe)	% m/m	0.001 (max)
Sulphate (SO ₄)	% m/m	0.01 (max)
Carbonate (CO ₃):	% m/m	0.20 (max)

The invitation specifies the actions necessary by the Chemical Services / Chemistry personnel to ensure that the bulk water treatment chemicals delivered to Eskom sites comply with the applicable specification. It also outlines the actions to be taken should these chemicals not conform to the specifications.

- a) The Supplier shall inspect each off-loading facility prior to the first delivery of the chemical in order to confirm tanker access to the off-loading facility and to confirm compatibility with power station connections, including, but not limited to, chemical off-loading and air supply couplings and flange sizes.
- b) Eskom shall inform the Supplier of any modification to the off-loading facility. Where necessary, the Supplier shall inspect the off-loading facility to assess the impact of the modification and to ensure compatibility.
- c) The Supplier shall not use a calf for the delivery of the chemical.
Every tanker shall be in possession of the following documentation:
 - Material Safety Data Sheet
 - Product Specification
- d) The Supplier shall arrange for safety induction of all individuals delivering chemicals to power stations.
- e) The Supplier shall ensure that bulk chemical deliveries are made by personnel trained in safety precautions specific for handling the delivered chemical, and that delivery personnel abide by Supplier and the Eskom safety procedures, including the use of required personnel protective equipment.
- f) Deliveries shall only be accepted during the following working hours during the week, namely between 08:00 to 15:00, except for Fridays where deliveries shall only be accepted up to 10:00. During emergencies, after hour deliveries can be accommodated with prior arrangement with the power station.
- g) Eskom shall inform the Supplier in cases where a split delivery is planned. The anticipated off-loading time for a single point of delivery is 3 hours. Eskom shall record the time that documents are delivered to the Water Treatment Plant Control Room.

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- h) The Supplier shall report to the Water Treatment Plant Control Room on arrival, with all documentation required.
- i) The following documentation shall be shown to the Eskom personnel in the Water Treatment Plant Control Room upon arrival at the power station:

Competency declaration for the person responsible for off-loading and sampling of bulk chemical being delivered.

Tanker Inspection Form, confirming:

- Vehicle road worthiness.
 - Functionality of air/pump off-loading system.
 - Condition of flexible pipes and connections (cleanliness and wear).
 - Date of off-loading pipe pressure test.
 - Tanker content cleanliness.
- j) The following documentation shall be submitted to the Eskom personnel in the Water Treatment Plant Control Room upon arrival at the power station:
- Weigh bridge certificate.
 - Certificate of Analysis showing that the chemical in the tanker meets the specification.
 - Delivery note, which must include the Eskom order number, the name of the power station and the power station address.
- k) The Supplier shall be accompanied to the off-loading facility by the Eskom personnel.
- l) The Supplier shall take a sample from the tanker for analysis by the Eskom personnel.
- m) Connection to the off-loading facility shall only commence after the Eskom personnel has confirmed the quality of the chemical and has given permission for off-loading to proceed.
- n) A tanker shall be rejected in the event of product quality non-conformance or safety non-conformance. The Contract Manager shall be informed immediately, and no payment shall be made.
- o) The Supplier shall be responsible for connecting the tanker to the off-loading facility.
- p) Where an intermediate transfer pump is required, the tanker shall be fitted with stainless steel pump.
- q) Standing time shall only be claimed if the delay is caused by Eskom. Standing time shall not be claimed where external conditions affect off-loading, such as rain, hail, lighting, etc.
- r) In the event that a tanker is not off-loaded due to an incorrect level indicator, a) the tanker shall be sent back and payment shall be made for transport and product, or b) the tanker shall be re-direct to another power station upon arrangement with the power station and upon correcting the delivery note, and Eskom shall pay the additional transport charge.

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- s) The Supplier shall immediately inform the Contract Manager of any transportation and off-loading incident. The Supplier shall issue an incident investigation report to the Contract Manager and to all power stations within seven days of the incident.
- t) The following documentation shall be submitted to the power station after delivery:
 - Return weigh bridge certificate, within two working days, before payment is processed.
 - Original invoice within seven days of delivery.
- u) The Supplier shall perform an inspection of an off-loading event in the presence of power station staff at each site at least once a year and shall issue a report to the Contract Manager.
- v) The Supplier shall provide contingency plans providing assurance of continuity of supply of the product to the power station in the situations where experience unplanned outages, interruptions in production and strikes.
- w) The Supplier shall provide evidence of the Logistics Management / Quality Management System of the Transporter, providing assurance of on-time delivery of the product of the required quality.
- x) The Supplier shall notify the Contract Manager in writing of any request to change the Transporter or Supplier of the product. This shall be assessed after a technical evaluation.

d) Step 4: Price and Preference

Price points will be calculated out of 90/10 for price. A maximum of 10 points on the 90/10 will be allocated to the B-BBEE level contribution. The prices and preference points will be added together to determine the highest scoring tenderer using reverse E-auction.

Adjudication Criteria	Points
Price Evaluation $P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	90

Where:

- Ps = Points scored for price of Bid under consideration
- Pt = Rand value of Bid under consideration
- Pmin = Rand value of lowest acceptable Bid

- Preference points out of 10, for B-BBEE level contribution will be applied.

B-BBEE	Number of Points (90/10 system)
--------	---------------------------------

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1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

- Price points and preference points will be added; and
- The tenderers with highest points (Price Points + Preference Points) will be awarded the contracts.
- Tenderers who do not meet the price and preference requirements will be disqualified and will not be evaluated further.
-
- Note: Negotiation of price and PPPFA ranking will be conducted through Reverse E-Auction process. E-Auction will be conducted after the suppliers have met all contractual requirement set out in this strategy.

e) Step 5: Contractual requirements

Contractual requirements are not evaluation criteria and must be met after the evaluation and ranking of the tenders. In the case that a supplier does not meet the requirement, e.g. Financial viability, mitigating factors may be decide on and made contractual requirements.

If the tenderer does not meet or agree with the mitigating factors or the contract requirements, a tender may be awarded to a supplier who did not score the highest number of points on the 90/10 preference points system.

Contractual requirements mean 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 suppliers who passed mandatory and functionality evaluation threshold will be evaluated. The suppliers will be given only **ONE opportunity** to submit the outstanding documents within 7 working days. 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.

In the event that there are further documents 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. The SHEQ tender requirements will be communicated in the invitation to tender document and the SHEQ supporting documents will be published in the market. The successful supplier/contractor will be allowed to commence with work once the SHE file is approved by the respective Generation sites.

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3.19 The following fall under contractual requirements:

SD&L
SHE
Quality
Financial Analysis
NEC3 Supply Contract (SC3)
Commercial

Contractual requirements will be applied after tender evaluations and will be linked to contract award and may not necessarily be linked to the allocation of points for further scoring.

3.19.1 SD&L Undertaking mandatory for contract award

a) The B-BBEE level target for caustic soda contract award is level 1-4.

Tenderers will be required to submit plans to achieve the target level if not met at contract award.

b) Subcontracting Requirements

Previous tenders proven that there are small and medium companies can deliver this product successful and change that status core. Therefore, successful supplier will be required to subcontract 30% of their contract value for the benefit of current distributors with experienced, capable as well as competent in moving this product.

The main contractor will select from following designated groups that are not part of their subsidiaries or having shares in that company, preferable they should be selected from local to site, previous distributors, previous black owned tenderers and shall be as follows:

- an EME or QSE which is at 100% owned by black people who are youth;
- an EME or QSE which is at 100% owned by black people who are women;
- an EME or QSE which is at least 51% owned by black people with disabilities.

The following tender returnable will be required only after contract award but the requirement should be agreed to before contract award.

- Proof of a sub-contract agreement/s must be submitted.
- Sub-contractor/s valid sworn affidavit must be submitted.

Potential scope to be subcontracted for caustic soda: (transport is estimated at 8% and the difference (22%) can be achieved from moving the product independently with the support from the main contractor and other small services).

- Transportation and logistics management.

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- Give one or two Power station to be supplied by the sub-contractor at the similar rate they gave to Eskom and the sub-contractor should be profitable (with full support to deliver product on time).
- Quality testing before dispatching the product.

The supplier will draw an implementation plan and submit to Eskom SD&L team and contract manager within 7 days after contract award and start implementation once the threshold is reached but for 30% sub-contracting it will start with the first purchase order awarded.

c) Skills Development

The supplier will draw an implementation plan and submit to Eskom SD&L team and contract manager within 7 days after contract award and start implementation once the threshold is reached but for 30% sub-contracting it will start with the first purchase order awarded.

Eskom reserves the right to negotiate with the tenderer on Eskom's requirements. The outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition. Skills development is designed to benefit the currently unemployed graduates from school: further education and training campuses and universities.

The composition of these candidates must be representative of the population demographics of South Africa. Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners. It is expected that the total of 51 individuals will benefit from caustic soda contract through courses stipulated below (if the budgeted value for this service is utilized) over the period of 5 years. This is how it will be applied:

- Successful tenderer will be obligated to skill one candidate for every R15 Million spend cumulatively through purchase orders/instructions awarded to the supplier; The supplier will be required to implement this requirement a month after the threshold is reached.
- This obligation will be for the duration of the contract however supplier needs to demonstrate positive progress on monthly basis.
- Candidates shall be sourced from previously disadvantaged groups in South Africa, particularly at the site where the services will be taking place.

Table: Tenderers are required to propose against the following training initiatives:

Skills type	Intake	Outcome	Caustic Soda allocation target	Supplier Proposal
Logistics	National Diploma	Logistics Officer	30%	
Chemical	National Diploma	Chemical Engineer	37%	
In-Service Training	Under grad	Engineer/Artisan	33%	

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Note: The supplier will be required to take candidate that graduated national diploma in chemical engineering/Logistics Management national diploma or B-Tech and who's unemployed, enrol them to do a Learnership program in logistics/chemical engineering for at least 12 months then give them work experience for 12 months thereafter. As for In-service training the supplier will take unemployed undergraduate candidates and enrol then into in-service training program for 12 to 18 months then give the 6-month working experience.

d) SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

One of the following options will apply for SDL&I performance security:

- Suppliers will be required to report progress towards achieving SDL&I's contractual obligations on a quarterly basis regardless of the duration of the task order.
- Eskom will apply 2.5% retention on every invoice (excluding VAT) after all cumulative task orders awarded to the supplier that have reached a total of R 15 million as security for the fulfilment of the SDL&I obligations. Failure to comply with the contracted SDL&I obligations will enforce the application of the 2.5% penalty at the end of the contract.
- For every SDL&I commitment met in terms of the contract, the supplier shall apply for the release of the retention in the next payment certificate after the application and once the Eskom contract manager and the SDL&I compliance and monitoring team are satisfied that the obligations have been met.

e) Reporting and Monitoring

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

The main contractor will select from following designated groups that are not part of their subsidiaries or having shares in that company, preferable they should be selected from local to site, previous distributors, previous black owned tenderers and shall be as follows:

- an EME or QSE which is at 100% owned by black people who are youth;

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- an EME or QSE which is at 100% owned by black people who are women;
- an EME or QSE which is at least 51% owned by black people with disabilities.

The following tender returnable will be required only after contract award but the requirement should be agreed to before contract award.

- Proof of a sub-contract agreement/s must be submitted.
- Sub-contractor/s valid sworn affidavit must be submitted.

Potential scope to be subcontracted for caustic soda: (transport is estimated at 8% and the difference (22%) can be achieved from moving the product independently with the support from the main contractor and other small services).

- Transportation and logistics management.
- Give one or two Power station to be supplied by the sub-contractor at the similar rate they gave to Eskom and the sub-contractor should be profitable (with full support to deliver product on time).
- Quality testing before dispatching the product.

The supplier will draw an implementation plan and submit to Eskom SD&L team and contract manager within 7 days after contract award and start implementation once the threshold is reached but for 30% sub-contracting it will start with the first purchase order awarded.

3.19.2 SHE Requirements

- COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COIDA) or a licensed compensation insurer (South African tenderers only)
- The acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) signed and submitted by the tenderer?
- OHS plan to be aligned with the Specification of this project.
- Scope specific Baseline Risk Assessment
- SHE policy signed by CEO/ MD-
- Comply to OHS Act Section 7 or OSHAS 18001
- Material Safety Data Sheet
- Environmental Management plan

3.19.3 Quality Requirements

Category 2 QM 58 criteria as per appendix
Section A (Option 1 or Option 2) as per appendix

a) Section B

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- B.1 Documented information for defined roles, responsibilities, and authorities - approved organogram; manufacturing QA and QC organogram with roles and responsibilities for all designations.
- B.2 Documented information for Control of Externally Provided Processes, Products and Services - Purchasing process; supporting documentation- supplier evaluation reports; purchased products verification reports.
- B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports).
- B.5 Records of Management Review meetings (minutes, attendance registers etc.).

b) Section C

- Scope of work specific CQP as per template provided.

c) Section D:

- Product Caustic Soda Manufacturing Quality Control Plan& Product Delivery Quality Control Plan.
- Product Caustic Soda Manufacturing Quality Control Plan& Product Delivery Quality Control Plan.

d) Section E

- E.1 Form A is completed and signed.
- E.2 Post-delivery activities associated with the Caustic Soda - warranty provisions; post-delivery support offered.
- E.2 Caustic Soda Preservation requirements - storage and transportation requirements.

3.19.4 Financial Analysis

A financial analysis of the qualifying tenderers financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be awarded the contract.

In the case that a supplier does not meet the requirement, e.g. Financial viability, mitigating factors may be decide on and made contractual requirements. If the tenderers do not meet or agree with the mitigating factors or the contract requirements, a tender may be awarded to suppliers who did not score the highest number of points on the 90/10 preference points system.

3.19.5 NEC3 Supply Contract (SC3)

The contract terms and conditions will be based on a NEC3 Supply Contract with Eskom-specific conditions and will include the following:

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X1: Price adjustment for inflation
X2: Changes in the law
X3: Multiple currencies
X4: Parent company guarantee
X7: Delay damages
X13: Performance bond
X17: Low performance damages
Z: Additional conditions of contract

3.19.6 Commercial

Due diligence may also be done by considering previous civil judgements against the preferred tenderer. Eskom may also consider whether the preferred tenderer or any of its directors or senior management employees have been convicted of a serious offence.

Eskom may consider any pending litigation in a court of law or administrative tribunal as part of its risk assessment. If Eskom is likely to suffer substantial reputational harm as a result of doing business with the preferred supplier, it may take this into account as part of its risk assessment.

If it is determined that the risk to Eskom is too great and a clarification with the supplier does not resolve the mitigation of the risks, then the tender will be rejected as commercially unacceptable, and therefore ineligible for contract award.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. -----

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

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

Invitation to Tender No: _____

Name of company/JV: _____

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Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

Name of contractor	
CIPC Registration number	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom._____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.

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4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status_____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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

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

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

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential

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tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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

2. Do the tenderer/s and other tenderer in this tendering 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:

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

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

Item	Question	Yes/No	No
1.1	Is the tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		

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1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

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Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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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:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- 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:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- 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

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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.

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:

- 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.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. 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.

6. 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.

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:
The mean

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

The Cash Settlement or Cash Sellers Price

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

8. 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

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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 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI - Final Manufactured Goods - Or - Intermediate Manufactured Goods OR - SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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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 index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____ / _____ / _____

TENDERER'S SIGNATURE _____

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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:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- 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.

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Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- 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.

4.1 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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4.2 EXPATRIATE LABOUR METHOD

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

4.3 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

- 1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
- 2 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.
- 3 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.
- 4 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.
- 5 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 _____

ANNEXURE F1

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SBD 6.2

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 in the Preferential Procurement Regulations, 2017, 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. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) 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. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. 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.
- 1.5. 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.

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The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
- 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:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

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

(Tick applicable box)

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

- 3..1 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.

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

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

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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):

.....

NB

- 1 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 together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. 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 with the bid documentation at the closing date and time 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.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (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 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	

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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 14 of the Preferential Procurement Regulations, 2017 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)

Annexure F3 - Imports Declaration-Supporting schedule C(annex D)

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



Adobe Acrobat Document

to Annex



Adobe Acrobat Document



Adobe Acrobat Document

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MWP1012GX	CLOSING DATE:	19 January 2022	CLOSING TIME:	10:00
DESCRIPTION	Supply, delivery and off-loading of Caustic Soda to various Eskom Power Stations on an "as and when" required basis for a period of 5 (five) years				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Marubini Chauke		CONTACT PERSON	Marubini Chauke	
TELEPHONE NUMBER	011 800 6085		TELEPHONE NUMBER	011 800 6085	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	Chaukem@eskom.co.za		E-MAIL ADDRESS	Chaukem@eskom.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
---	--	--	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
 DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. 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 SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....

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Annexure H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

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3. POINTS AWARDED FOR PRICE

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

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

80/20 or **90/10**

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?
(Tick applicable box)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted%?
 ii) The name of the sub-contractor
 iii) The B-BBEE status level of the sub-contractor
 iv) Whether the sub-contractor is an EME or QSE *(Tick applicable box)*

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

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

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

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OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the
company/firm, certify that the points claimed, based on the B-BBE status level of

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contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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

WITNESSES 1. 2.	 SIGNATURE(S) OF BIDDERS(S) DATE:
--	--

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