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|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 11 |
| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2027 | | |

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE SUPPLY AND DELIVERY OF FLOODED TUBULAR LEAD ACID BATTERIES


| | |
|--|--|
| Tender number/ RFP number/ | WCKBG1076AB |
| Issue date | 29 November 2022 |
| Closing date and time | 13 December 2022 at 10h00 |
| Tender validity period | 120 days from the closing date and time |
| Clarification meeting | A voluntary clarification meeting will be held at a date and time to be determined after the tender issue. |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | ESKOM HOLDINGS SOC Ltd ATT Tender Centre Block "E" Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa |

NB: National Treasury request suppliers to register on the Central Supplier Database.
<http://ocpo.treasury.gov.za>

**NOTE TO TENDERERS: PLEASE KEEP CHECKING THE TENDER BULLETIN
FOR ANY POSSIBLE ADDENDUMS TO THIS TENDER**

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Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the The Supply and delivery of Flooded Tubular Lead Acid Batteries for Koeberg Nuclear Power.

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



Procurement Manager

Ms. E - Capes: Senior Advisor Procurement

Date: 29.11.2022

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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/ N/A) |
|--------|---|--|---------------------|
| 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 |
| 6.6 | SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C | Annexure F1 Annexure F2 Annexure F3 Annexure F4 | 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 4 - Standard Bidding Document | Annexure H | Y |
| 6.9 | SBD 6.1 - Preference Points Claim Form in terms of PPPFA 2017 regulations | Annexure I | Y |
| 6.10 | Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | | N |
| 6.11 | Supplier Development & Localisation (SDL&I) Undertaking | Annexure J | Y |
| 6.12 | Reverse e-auction training acknowledgement form (if applicable) | | N/A |

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| 6.13 | Reverse e-auction process (if applicable) | | N/A |
| 6.14 | Technical Evaluation Criteria | Annexure K | Y |
| 6.15 | Quality Evaluation Criteria | Annexure L | Y |
| 6.16 | Price List | Annexure M | Y |
| 6.17 | Eskom General Conditions of Purchase | Annexure N | Y |
| 6.18 | Eskom Standard Conditions of Tender | Annexure O | 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/Request for Proposal**; 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 | <p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Annemarie Berry Tel: 021 522 3310 E-mail: VerweyAn@eskom.co.za</p> |
| 1.3 Enquiry documents | <p>The Invitation to tender number is : WCKBG1076AB</p> <p>See the content list above for the enquiry documents.</p> |
| 1.4 Type of Invitation to Tender/RFP | This invitation to tender is an open Invitation to tender |
| 1.6 Eskom's rights to accept or reject any tender | The tender shall be for the whole of the contract. |
| 2.1 Eligible tenders | Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> |

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| | <p>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.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • 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/proposal] either individually or as a partner in a joint venture (JV) or consortium • [Tenders/proposals] 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/RFP] process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • 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. <p>Ineligible tenderers will be disqualified.</p> |
| 2.2 -2.5 Tender Closing | <p>The deadline for tender submission is:</p> <p>Date 13 December 2022</p> <p>Time 10:00AM (Standard South African Time)</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> |

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| | THE TENDER OFFICE Tender Centre Block “E” Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa |
| 2.9 Copy of original tender | <p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. (The soft/electronic copy does not replace the second hard copy.)</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> |
| 2.13 Tender Validity Period | The tender validity period is 120 days . |
| 2.16 Site/clarification meetings | A voluntary clarification meeting will be held at a date and time to be determined after the tender issue. |
| 2.17 Clarification on enquiry documents | The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission. |
| 2.23 Alternative tenders | Alternative tenders are not allowed . |
| 2.25 Conditions of contract | The conditions of contract will be the <i>Eskom General Conditions of Purchase (See attached Annexure N)</i> |
| 2.31 Provision of security for performance | Not applicable. |
| 3.4 Opening of tenders | <p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on: Place: Tender Centre Block “E” Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa Date: 13 December 2022 Time: 10H00 (Standard South African Time)</p> |
| 3.5 Prices to be read out | Prices will not be read out. |
| 3.9 Basic Compliance | Basic compliance for this invitation to tender/ RFP are: |

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| | <ul style="list-style-type: none"> • 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/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive. | | | | | | | | | | |
| 3.11 Pre-qualification criteria | Pre-qualification criteria are not applicable. | | | | | | | | | | |
| 3.12 Designated materials and thresholds | <p>Designated material thresholds are applicable</p> <p>If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.</p> <table border="1"> <thead> <tr> <th>Designated Sector</th><th>Minimum threshold</th></tr> </thead> <tbody> <tr> <td>Industrial Lead Acid Batteries</td><td>50%</td></tr> </tbody> </table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The DTI has appointed SABS as the official verification agency for local content in terms of designated products.</p> <p>A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.</p> | Designated Sector | Minimum threshold | Industrial Lead Acid Batteries | 50% | | | | | | |
| Designated Sector | Minimum threshold | | | | | | | | | | |
| Industrial Lead Acid Batteries | 50% | | | | | | | | | | |
| 3.13 Functionality requirements | <p>Functionality requirements are applicable.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1"> <thead> <tr> <th colspan="2">Final Analysis</th></tr> </thead> <tbody> <tr> <td>Company Profile</td><td>35%</td></tr> <tr> <td>Technical Requirements</td><td>35%</td></tr> <tr> <td>Quality Requirements</td><td>30%</td></tr> <tr> <td>Total</td><td>100%</td></tr> </tbody> </table> <p>Threshold for functionality is 80%</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p> | Final Analysis | | Company Profile | 35% | Technical Requirements | 35% | Quality Requirements | 30% | Total | 100% |
| Final Analysis | | | | | | | | | | | |
| Company Profile | 35% | | | | | | | | | | |
| Technical Requirements | 35% | | | | | | | | | | |
| Quality Requirements | 30% | | | | | | | | | | |
| Total | 100% | | | | | | | | | | |

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| 3.15 Evaluation of price | <p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> • 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. <p>Prices will be scored out of 80 or 90 points</p> |
| 3.17 Evaluation of B-BBEE | <p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>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 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p> |
| 3.18 Ranking of tenders | <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> • 90/10 (for estimated values above R50M inclusive of VAT) or • 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p> |
| 3.19 Objective Criteria (if applicable) | <p>Objective criteria are not applicable</p> <p>Please note:-</p> <ul style="list-style-type: none"> • “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the |

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| | <p>PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</p> <ul style="list-style-type: none"> Tenderers will not be disqualified if they do not comply with the objective criteria Functionality and any element of the B-BBEE scorecard may not be used as objective criteria. |
| 3.20 Reverse e-auction (if applicable) | <p>Reverse e-auction is not applicable</p> <p>Please note: Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p> |
| 3.21 Contractual Requirements (if applicable) | <p>Contractual Requirements are not applicable</p> <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p> |
| 3.22 CIDB Requirements (where applicable for Engineering and Construction Works Contracts) | <p>CIDB Requirements are not applicable</p> |

Please note:

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

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

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

“Proof of B-BBEE status level of contributor” means-

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

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 | One (1) hard copy of the tender “Proof of B-BBEE status level of contributor” for main contractor CSD number | ✓ | |
| 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 F1-F4 | SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E | ✓ | |

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| Annexure G (applicable for all suppliers including Foreign suppliers) | SBD 1- to be submitted with the tender at tender submission deadline | ✓ | |
| Annexure H | Standard Bidding Document SDB 4 | ✓ | |
| Annexure I | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | ✓ | |
| Annexure J | Supplier Development & Localisation (SD&L) Undertaking | ✓ | |
| Reverse e-auction training acknowledgement form (If applicable) | | N/A | |
| 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 particular 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:- | 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 | ✓ | |

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| (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; | 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. | | |
| Tax Clearance Certificates | A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required. | ✓ | |
| 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] | N/A | |
| 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) | | ✓ |
| CIDB (where applicable) | Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer | N/A | |

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| 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 | Completed Price List | ✓ | |
| Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)) | | | ✓ |
| DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS | | | |
| Safety | COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only) | | ✓ |
| Quality | Documents that may be required per scope of work | | ✓ |
| Other safety / quality documents as required per scope of works | | | ✓ |
| Environmental | Documents that may be required as per scope of work | | ✓ |
| 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 venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available. | | ✓ |
| DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA | | | |
| Technical (required for functionality scoring) Submission of | 1. Annexure K | ✓ | |

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| documentation demonstrating compliance to Annexure K | | | |
| Quality (Documentation demonstrating compliance to Annexure L) | 2. Annexure L | ✓ | |

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We are in receipt of the Invitation to Tender/Proposal 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 / RFP 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/Request for Proposal No: _____

Name of company/JV: _____

Country of registration _____

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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 Eskom's Vendor Management department at Vendor MDM - VendorMDM@eskom.co.za
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 complete 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 tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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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/RFP 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/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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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/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration._____

2. DECLARATION OF FAIR TENDERING PRACTICES

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

A **[tender/proposal]** 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 | <p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><i>[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].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.2 | <p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? 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)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.3 | <p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> 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?</p> | | |
| 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/proposal 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: | |

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/proposal 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: | |

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

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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

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 | Aluminium SEIFSA, R, aluminium | Building and construction material | | StasSA, PO142.1), PPI <ul style="list-style-type: none">Final Manufactured Goods | |
| | Zinc SEIFSA, F, zinc | | | | |

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|-------------------|--------------------------------|---|--|---|
| allowance is paid | Lead SEIFSA ,F, lead | SEIFSA, G, building and construction material | | Or <ul style="list-style-type: none"> • Intermediate Manufactured Goods OR • SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods |
|-------------------|--------------------------------|---|--|---|

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 | National Statistical Institute, Country-specific building and construction material | | |
| | LME, zinc | | | |
| | 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. 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

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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.

4.2 EXPATRIATE LABOUR METHOD

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

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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 _____

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ANNEXURE F1

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 to Annex C (annex D)




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



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ANNEXURE G

SBD 1

PART A INVITATION TO BID

| | | | | | |
|--|--|--|-------------------------------------|------------------------------|-------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | WCKBG1076AB | CLOSING DATE: | 13/12/2022 | CLOSING TIME: | 10H00 |
| DESCRIPTION | Supply and delivery of Flooded Tubular Lead Acid Batteries | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7). | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| | | | | | |
| | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX) | <input type="checkbox"/> Yes | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes | |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY? | <input type="checkbox"/> No | | | <input type="checkbox"/> No | |
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | <input type="checkbox"/> | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) | | | |
| | <input type="checkbox"/> | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) | | | |
| | <input type="checkbox"/> | A REGISTERED AUDITOR | | | |
| | | NAME: | | | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |

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| | | | |
|--|--|--|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW] |
| SIGNATURE OF BIDDER | | DATE | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.) | | | |
| TOTAL NUMBER OF ITEMS OFFERED | | TOTAL BID PRICE (ALL INCLUSIVE) | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
| DEPARTMENT/ PUBLIC ENTITY | | CONTACT PERSON | |
| CONTACT PERSON | | TELEPHONE NUMBER | |
| TELEPHONE NUMBER | | FACSIMILE NUMBER | |
| FACSIMILE NUMBER | | E-MAIL ADDRESS | |
| E-MAIL ADDRESS | | | |

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 ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. |
| 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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE |

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PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS


- | | |
|--|--|
| 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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ANNEXURE H

SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

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

2.2.1 If so, furnish particulars:

.....

.....

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

2.3.1 If so, furnish particulars:

.....

.....

3 DECLARATION


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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

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

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- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....


Signature Date

.....

Position Name of bidder

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Annexure I

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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

- 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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

- 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 | | |

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| | | |
|--|--|--|
| Black people who are military veterans | | |
| 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.

| | |
|--|--|
| <p>WITNESSES</p> <p>1.</p> <p>2.</p> | <p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> |
|--|--|

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|---|--|---------------------|-------------------|-----|-----|
|  | Supplier Development, Localisation and Industrialisation (SDL&I) Strategy Setting | Template Identifier | 240-148918142 | Rev | 1 |
| | | Document Identifier | N/A | Rev | N/A |
| | | Effective Date | 01 September 2019 | | |
| | | Review Date | September 2022 | | |

| | | |
|-----------------------------------|--|-------------------|
| Business Unit | Koeberg Operating Unit. | |
| Description/ Scope of Work | The Supply and delivery of 220 Flooded Tubular Lead Acid Batteries | |
| Duration of the Project | 12 months | |
| Name of Buyer | Annemarie Berry | PR No: 1075112326 |

Section 1: Pre-qualification Criteria – Not applicable

Section 2: Mandatory Requirement for Tender Submission

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer at tender stage

2.1 Local Content Designation

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

| YES | NO |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please indicate below Designated Components;

| Designated Products | Local Content Threshold |
|--------------------------------|-------------------------|
| Industrial Lead Acid Batteries | 50% |

NOTE 1: SBD 6.2 Declaration Form and Annexure C (Local Content Declaration-Summary Schedule) is therefore **mandatory** and must be a tender returnable.

Submitted documents with uncompleted or incorrect information should be clarified with the winning bidder before tender award.

Section 3: SD&L Undertaking

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

a) Job Opportunities

Tenderer to indicate number of Jobs to be created and/or retained from this contract;


| Number of Jobs to be created | Number of Jobs to be retained |
|------------------------------|-------------------------------|
| | |

Tenderer to also provide breakdown of jobs to be created and/or retained in this table:

| Category | Jobs to be created |
|------------|--------------------|
| Management | |

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|---|--|---------------------|-------------------|-----|-----|
|  | Supplier Development, Localisation and Industrialisation (SDL&I) Strategy Setting | Template Identifier | 240-148918142 | Rev | 1 |
| | | Document Identifier | N/A | Rev | N/A |
| | | Effective Date | 01 September 2019 | | |
| | | Review Date | September 2022 | | |

| | |
|-----------------|--|
| Expert Skills | |
| Skilled workers | |
| Semi-skilled | |
| Unskilled | |
| Total | |

b) Local Procurement Content

Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents.

Local procurement content is total spending minus the imported component.

| | | |
|----------------------------------|---------------------|--------------------------|
| Local Procurement Content | Eskom Target | Tenderer Proposal |
| | 100% | |

c) B-BBEE Requirements

Tenderers will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

Section 4: 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.

Section 5: Market Research

The following information demonstrates market analysis and assisted in arriving at BBBEE targets above:

| | |
|---|----------------------------|
| <u>Current Suppliers Providing the Services</u> | <u>Potential Suppliers</u> |
| n/a | |

Compiled by:



Phendulwa Jara
Senior Advisor: Nuclear Commercial
Supplier Development, Localization and Industrialization

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| Functional Evaluation Criteria for Enquiry No: WCKBG1076AB | | | | | | |
|--|--|---|--|------|-------|----|
| TECHNICAL REQUIREMENTS | Company to have the capacity to supply RAYLITE Vented Lead Batteries. The Supplier shall demonstrate the ability to commission the batteries to the requirements of KNPS and provide all the relevant documentation. | Compliance to KNPS Battery specification DSG-311-089 rev 5. | The Schedule B (attachment 10.2) and the Deviations Schedule (attachment 10.3) of DSG-311-089 rev 5 to be completed and sent for review prior to the processing of any orders. | 100% | | 0% |
| | TOTAL WEIGHTING | | | 100% | FALSE | 0% |

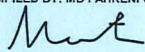
| | | | | |
|---------------------------|--|------|------|--|
| Final Analysis | | | | |
| 1. COMPANY PROFILE | | 35% | 0.0% | |
| 2. TECHNICAL REQUIREMENTS | | 35% | 0.0% | |
| 3. QUALITY MANAGEMENT | | 30% | 0.0% | |
| TOTAL | | 100% | 0.0% | |

The scoring of the Functional Evaluation is conducted as follows:
A supplier is given a score in each of the sub-categories. These sub-categories are requirements detailed in the specification or contract. Scores are allocated as follows:
0 - 0% - Does not meet
1 - 75% - Partial meet
2 - 100% - Meet

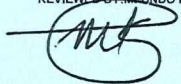
The overall score for functionality criteria is analysed as follows:
0% - 79% - Does not meet
80% - 100% - Meet

NOT MEET CONCLUSION

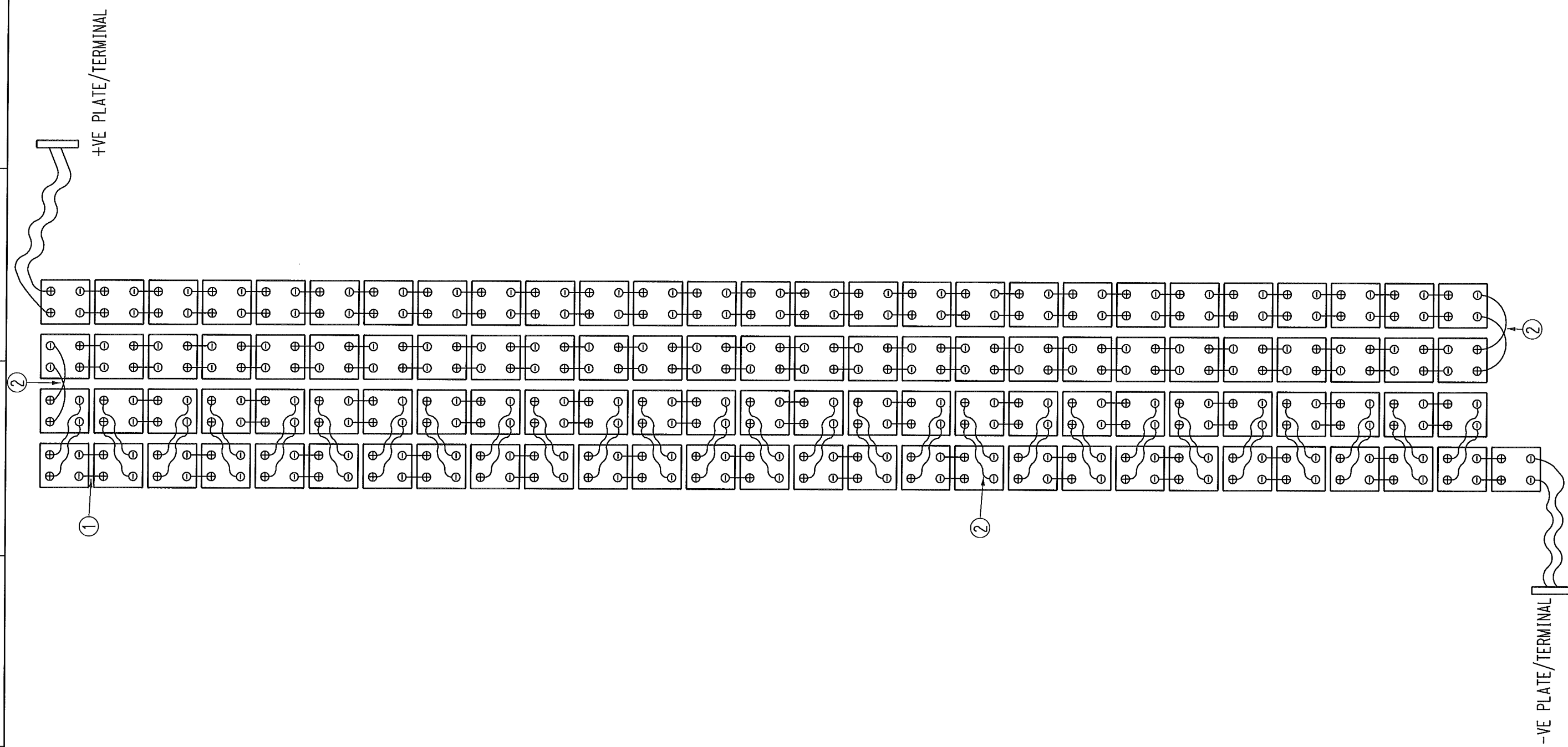
COMPILED BY: MB FAHRENFORT



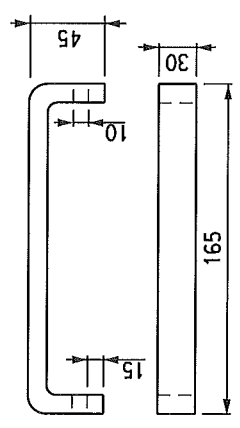
REVIEWED BY: MEUNDO KUTWANA



A
B
C
D
E
F



1. INTER-CELL LINK (SOLID) 165x10x25mm²
2. INTER-CELL LINK (FLEXIBLE) 750x120mm² PVC INSULATED SINGLE CORE WELDING CABLE (LUG TO LUG)
- BATTERY TYPE - RAYLITE 11RCT1375
BATTERY DIMENSIONS - L 275 x W 210 x H 851
NUMBER OF CELLS - 109



| | | | | | | | |
|----------------------------|--------|------|------------------------------|--------|-------------------------------|----------------|--------------------|
| 31 | -- | --- | AS PER DDR --/-- | --- | | | KBA 0115H04046 |
| D.O. | REV | DATE | ** REVISION ** | REV BY | CHKD BY | AUTH BY | REFERENCE DRAWINGS |
| | | | INDEX REFERENCE : | | | | |
| ALLOCATION CENTRE 31.46 | | | Eskom | | KOEBERG NUCLEAR POWER STATION | | |
| CONTRACTOR | | | MICRO OCT1405 | | | ERECTION PLACE | |
| CONTRACTOR No | | | 1 LAC 001 BT BATTERY BANK | | | -- | |
| CHKD | | | APPROVED | | | SHEET | |
| DWG | --- | --- | | | | OF | |
| SCALE | N.T.S. | | DOC NO | | | REVISION | |
| | | | KBA | | | -- | |

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| Reference | Rev | Page |
|-------------|-----|----------|
| DSG-311-089 | 5 | 19 of 23 |

ATTACHMENT 10.1

SCHEDULE A : ESKOM (KOEBSERG) REQUIREMENTS FOR 12LAC001BT

| SPEC CLAUSE NUMBER | DESCRIPTION | REQUIREMENT |
|--------------------|-----------------------------------|------------------------------------|
| 8.1 | Identification code | EXIDE OPZS/10TBS1325 |
| 4.2 | C ₁₀ Capacity (AH) | 1325 |
| | Design load (amps) | NOT REQUIRED |
| 4.3 | Number of cells in battery | 109 X 2 = 218 |
| | Number of spare cells | 2 |
| 4.4 | Stillage with insulators | NOT REQUIRED |
| | Stillage assembly drawing | NOT REQUIRED |
| | Cell dimensions | 210 X 275 X 871 |
| 5.1.4 | Vent plugs – flame proof | FLAME PROOF |
| 6.1.1 | Battery connection diagram | DWG LAYOUT TO BE ATTACHED TO ORDER |
| 6.4.4 | Inter-cell links (solid/flexible) | SEE DWG LAYOUT |
| | Inter-row links (solid/flexible) | SEE DWG LAYOUT |

All Schedule A requirements are to be confirmed by Design Engineering.

Annexure L Quality Evaluation Criteria

| Quality Evaluation Criteria for Plant Enquiry No. : Q3/L3 | | | | | | | | | |
|---|---------------------------------|--|--|-----------|--------|----------|---------|--------------------------|----------------|
| Requirements | | Criteria | Deliverables | Weighting | Rating | % Rating | % Score | [Supplier Name] Response | Eskom Comments |
| QUALITY ASSURANCE PROGRAM (QAP) | Quality Assurance Program (QAP) | QAP that meets the intent of a typical Quality management system (QMS). e.g ISO 9001:2015. | Returnable is a document or method statement describing the supplier Quality Programme that provide a description of the processes and supporting information that reflects how processes are managed and work / operation is prepared, reviewed, carried out, recorded, assessed and improved . Examples of processes to be described can include Purchasing, Quality Control, Receipt Inspection, etc. | 30% | | 0% | 0,0% | | |
| | TOTAL WEIGHTING | | | 30% | FALSE | 0% | 0% | | |
| MONITORING | Quality Control Plan (QCP) | Proof that the Quality Control Plan (QCP) indicates compliance with customer requirements (DSG-318-087 Rev 2 Section 5.2.2). | Returnable is an example of a QCP for a similar project/product, identifying sequential operations and indicating inspection and test points and areas where reports and records are required . | 40% | | 0% | 0,0% | | |
| | TOTAL WEIGHTING | | | 40% | FALSE | 0% | 0% | | |
| MEASUREMENT | Measurement | Demonstrate implementation of non-conformance, deviation and concession process, including disposition with provisions for customer notification and acceptance. | The returnable is the applicable process document or method statement and provide evidence of implementation. | 30% | | 0% | 0,0% | | |
| | TOTAL WEIGHTING | | | 30% | FALSE | 0% | 0% | | |
| Final Analysis | | | | | | | | | |
| QUALITY ASSURANCE PROGRAM (QAP) | | | | 40% | | 0,0% | | | |
| MONITORING | | | | 30% | | 0,0% | | | |
| MEASUREMENT | | | | 30% | | 0,0% | | | |
| TOTAL | | | | 100% | | 0,0% | | | |

The scoring of the Technical Evaluation is conducted as follows:
A supplier is given a score in each of the sub-categories. These sub-categories are requirements detailed in the specification or contract. Scores are allocated as follows:
0 - 0% - Does not meet
1 - 75% - Partial meet
2 - 100% - Meet

The score is then summed to a weighted average per category. The category scores are analysed as follows:
0% - 79% - Does not meet
80% - 100% - Meet

NOT MEET


COMPILER: L.SITYATA (PQE)

CONCLUSION

REVIEWER: N. MPENGESI (PQE)

[Signature]

[Signature]
2022/11/29

| | | | | | |
|---|---|----------------------------|------------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 11 |
| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2027 | | |

Annexure M

Price List

| 1 | Description | Required Quantity | Unit Price | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------|------------|---------------------|--|--|--|---------------------------|--|--|--|---------------|--|--|--|-------------------|--|--|--|------------|--|--|--|---------------|--|--|--|
| | BATT:FLOODED TUBULAR LEAD ACID,2.23 V DC Speciation: DSG-311-089. 0279/88q; q3: NSF:NC:0; Equivalency no: e012-22e; battery. Manufacturer : Exide; Part Number : Opzs/10tbs1325; Type: flooded tubular lead acid; Potential: 2; Current capacity: 1325 a hr; Koeberg Eskom functional location: 1/2 LAC 001 BT | 220 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="3">TOTAL PRICE EXC VAT</td><td></td></tr> <tr> <td colspan="3">TOTAL PRICE INCLUDING VAT</td><td></td></tr> <tr> <td colspan="3">Delivery cost</td><td></td></tr> <tr> <td colspan="3">Mode of Transport</td><td></td></tr> <tr> <td colspan="3">Lead times</td><td></td></tr> <tr> <td colspan="3">Payment terms</td><td></td></tr> </table> | | | | TOTAL PRICE EXC VAT | | | | TOTAL PRICE INCLUDING VAT | | | | Delivery cost | | | | Mode of Transport | | | | Lead times | | | | Payment terms | | | |
| TOTAL PRICE EXC VAT | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL PRICE INCLUDING VAT | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Delivery cost | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mode of Transport | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lead times | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Payment terms | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | | | | |
|---|---|----------------------------|---------------|------------|-----|
|  | Eskom General Conditions of Purchase | Template Identifier | 240-59385009 | Rev | 1 |
| | | Document Identifier | N/A | Rev | N/A |
| | | Effective Date | 01 April 2015 | | |
| | | Review Date | July 2021 | | |

1. **GENERAL:** Eskom Holdings SOC Ltd (hereinafter referred to as 'Eskom') and the Supplier enter into an order/contract (hereinafter referred to as the 'agreement') on these conditions to supply the goods or execute the works/services as described in the agreement. The agreement means the order documents, the General Conditions of Purchase, any specifications, schedules or drawings approved by Eskom relative to the order.
2. **CONDITIONS:** These conditions form the basis of the contract between Eskom and the Supplier. Where the Supplier/Tenderer does not indicate the non-acceptance of these conditions of contract it will be deemed to be accepted by the supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by Eskom. No servant or agent of Eskom has authority to vary these conditions orally.
3. **PRICE AND PAYMENT:** The prices or rates for the items stated in the agreement may include an amount for price adjustment, which is calculated in accordance with the formula stated in the agreement. The Supplier may be paid in a currency other than South African Rand. One exchange rate shall be used to convert from this currency to South African Rand (ZAR). Payment to the Supplier in this currency other than ZAR shall not exceed the amounts stated in the agreement. Eskom's CPA (IG) form must be duly completed by the Supplier. Eskom will pay for the item within 30 days after receipt of a correct Tax invoice. Eskom's VAT registration number (4740101508) has to appear on the tax invoice, before any payment will be made, as from 1 June 2004.
4. **DELIVERY AND DOCUMENTS:** 'Delivery' means delivery of goods or completion of work (if any) in compliance with the terms and conditions of the agreement at the point of delivery/site specified in the agreement on or before the date stated in the agreement. Late deliveries of the goods or late completion of the works/services may be subject to a penalty as stated in the agreement. No payment shall be made if the Supplier does not provide the goods/services/works as stated in agreement. Where goods are to be delivered:
 - the Supplier shall clearly mark the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and include a packing note stating the contents thereof;
 - Send to Eskom at the address for delivery of the items, an advice note specifying the means of transport, weight, number or volume as appropriate and the point and date of dispatch;
 - Send to Eskom a detailed Tax invoice after delivery of the goods or after completion of the works/services, and
 - State on all communications in respect of the agreement the agreement number.
 - State in his tender whether delivery cost is included in the price, if not, it will be deemed to be included.
5. **CONTAINERS / PACKING MATERIAL:** Unless otherwise stated in the agreement, no payment shall be made for containers or packing materials or their return to the Supplier.
6. **ACCEPTANCE:** The goods/works/services shall at all times be subject to the approval of Eskom, who may inspect and/or test the materials as well as the workmanship at any stage of the work. Should Eskom fail to notify the Supplier of its acceptance, it shall be deemed Eskom accepted the goods/works/services.
7. **RISK:** Risk shall pass to Eskom upon proof of delivery and acceptance of the goods/works/services, to the correct destination in accordance with the agreement.
8. **OWNERSHIP:** Ownership in the goods/works/services shall pass to Eskom upon payment thereof or as otherwise stated in agreement.
9. **REJECTION:** If the Supplier fails to comply with his obligations under the agreement, Eskom may reject any part of the goods by giving written notice to the Supplier specifying the reason for rejection and whether replacement of goods or re-work is required.
 - In the case of goods delivered, Eskom may return the rejected goods to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the goods not replaced within the time required, together with the costs of returning rejected goods to the Supplier and obtaining replacement goods from a third party, shall be paid by the Supplier to Eskom.
 - In the case of works/services, the Supplier shall correct non-conformances/defects as indicated by Eskom. If the supplier delays to correct the non-conformance/defect, Eskom may have the non-conformance/defect corrected by a third party at the Supplier's costs.
10. **INDEMNITY:** The Supplier indemnifies Eskom against all actions, suits, claims, demands, costs, charges and expenses arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants or the rights of others, or from the Supplier's defective design, materials or workmanship.
11. **WARRANTY:** Without prejudice to any other rights of Eskom under these conditions, the Supplier warrants that the goods/works/services are fit for the purpose for which they are intended and that they will remain free from defects for a period of one year (unless otherwise stated in the agreement) from acceptance. If a defect/non-conformance is found with the goods/works/services within this period, the Supplier shall rectify the defect/non-conformance within an agreed time period, free of cost to Eskom. The Supplier shall use reasonable skill and care to provide the goods/ works/services as described in the contract.
12. **ASSIGNMENT AND SUBCONTRACTING:** Neither party hereto may cede or delegate any of its rights and obligations to any person without the written consent of the other or sub-contracting by the Supplier. Notwithstanding this, Eskom may on written notice to the other party cede and delegate its rights and obligations under this agreement to any of its subsidiaries or any of its present divisions or operations which may be converted into separate legal entities as a result of restructuring.
13. **STATUTORY REQUIREMENTS:** The Supplier shall adhere to all statutory requirements relevant to the agreement which is governed by The law of the RSA and the parties hereby submit to the jurisdiction of the SA courts.
14. **BREACH:** Subject to clause 15 (fifteen) hereof, should either party breach any condition of the agreement and fail to rectify or remedy the default, and after written notice given by the non-defaulting party, the latter shall be entitled to terminate the agreement.
15. **TERMINATION:** Eskom may terminate at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to Eskom) if the Supplier defaults in due performance of the agreement, or becomes bankrupt or otherwise is, in the opinion of Eskom, in such financial circumstances as to prejudice the proper performance of the agreement.
16. **ETHICS:** Eskom is committed to the highest standard of ethical behavior and expects the same from all our suppliers.
This constitutes the entire agreement between Eskom and the Supplier and no addition to or variation of the agreement shall be of any force and effect unless done in writing and signed by both parties.

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| | | | | | |
|---|---|----------------------------|------------------|------------|---|
|  | Eskom Holdings Ltd Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 9 |
| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2025 | | |

1. General

| | | |
|--|-----|---|
| Parties | 1.1 | The <i>Employer</i> , the Eskom <i>Representative</i> and each <i>eligible</i> tenderer submitting a tender shall act timeously, ethically and in a manner which is fair, equitable, transparent, competitive and cost-effective. |
| Interpretation | 1.2 | Terms shown in italics vary for each tender and the details of each term in italics are identified in the Tender Data. |
| | 1.3 | The Invitation to Tender documents issued by Eskom comprises of the <i>enquiry documents</i> (including any annexures thereto) and/or any <i>additional requirements</i> as stated in the Tender Data. Documents to be provided by the tenderer may form part of any contract arising from this Invitation to Tender, if so stated in the Tender Data, however, these Standard Conditions of Tender and the Tender Data shall not form part of any contract arising from this Invitation to Tender. |
| | 1.4 | An <i>open Invitation to Tender</i> will be advertised on <i>Eskom's Tender Bulletin</i> and National Treasury (NT) e-Tender Portal and/or any other media if so required. A <i>closed Invitation to Tender</i> will be sent directly to a limited number of known tenderers. A sole source is regarded as a tenderer who meets the requirements as stated in the Eskom Procurement and Supply Chain Management Procedure 32-1034. Any addenda to the Invitation to Tender, will be published or issued in the same way as the Invitation to Tender was, and will form part of the enquiry documents. |
| Communication | 1.5 | Each communication between Eskom and a tenderer shall be to or from the Eskom <i>Representative</i> only, in writing, and in a format that can be read, copied and recorded. For this purpose, 'in writing' means hand-written, type-written, printed or electronically made, and resulting in a permanent record. Communication shall be in the English language. Eskom takes no responsibility for non-receipt of communications from or by a tenderer |
| Eskom's rights to accept or reject any tender | 1.6 | Eskom may accept or reject any variation, deviation or <i>alternative tender</i> and reserves the right to accept the whole or any part of the tender. Eskom may cancel the tender process at any time prior to the formation of a contract and will give written reasons for the cancellation upon written request to do so. After the cancellation of the tender process or the rejection of all tenders due to non-compliance with the thresholds, Eskom may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time. Eskom, its subsidiaries, shareholders, advisors, directors, employees, representatives including the Eskom <i>Representative</i> shall not be liable for any losses, claims or damages of whatsoever nature or howsoever arising which may be sustained by a tenderer or any other person as a result of its participation or any amendment, termination or suspension of the process set out in this Invitation to Tender or its exclusion from participating in the tender process at any point. |

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| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2025 | | |

| | | |
|--|-----|--|
| Eskom's right to negotiate | 1.7 | Eskom reserves the right to enter into mandated negotiations with any one or more selected tenderer(s) in accordance with Eskom's approved procurement policies and procedures. |
| Disclaimer regarding accuracy of tender documents | 1.8 | While Eskom takes all reasonable measures to ensure that all information contained in the tender documents is correct and complete, Eskom does not, however, make any representations or warranties, express or implied, as to the accuracy or completeness of such information and Eskom expressly disclaims any and all liability for such representations, warranties or statements. |
| Tenderer's Obligations | 2 | The tenderer shall comply with the following obligations when submitting a tender and shall: |
| Eligibility | 2.1 | <p>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.</p> <p>Tenderers are not permitted to sub-contract 100% of the SOW. Any tender that is based on 100% sub-contracting will be deemed ineligible and will be disqualified.</p> |
| Tender closing time | 2.2 | Ensure that Eskom has received the complete original tender and one (1) complete hard copy of the original tender at the <i>address</i> and in the tender box or <i>facsimile number or e-mail address</i> specified in the Tender Data by no later than the <i>deadline for tender submission</i> . Proof of posting or of courier delivery will not be taken by Eskom as proof of delivery. Eskom will not accept a tender submitted telephonically or by e-mail, unless stated otherwise in the Tender Data. |
| | 2.3 | Any reference to time will mean South African Standard Time (SAST), i.e. GMT+2 hours. The <i>closing time</i> will be determined by using the Telkom time signal as available over the telephone. This time will be strictly adhered to. |
| | 2.4 | Accept that if Eskom extends the deadline for tender submission for any reason, the requirements of these Standard Conditions of Tender apply equally to the extended deadline. Tenderers are required to visit the <i>Eskom Tender Bulletin</i> and NT e-Tender Portal regularly in the case of an open tender to ensure they are informed of any changes in either the <i>deadline for submission</i> or any other amendments relating to the Invitation to tender, |
| | 2.5 | <p>Any tenders not in the tender box or received by Eskom as stipulated in the Tender Data at the <i>deadline for tender submission</i> will be considered late. No late tender will be accepted. Accept that Eskom will not assume any responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and the <i>address</i> and <i>references</i> are marked incorrectly.</p> <p>Without limitation, Eskom takes no responsibility for any delays in any courier or</p> |

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|  | Eskom Holdings Ltd Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 9 |
| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2025 | | |

postal system or any delays in transit of tenders or for tenders delivered to a location other than the tender box at the tender office stated in the Tender Data. Where it is permissible for tenders to be received by facsimile, Eskom takes no responsibility for difficulties in transmission caused by line or equipment faults. Completed tenders not received at the designated facsimile machine by the *deadline for tender* submission will be considered late. The time print on both the sending and receiving facsimile machines will be disregarded, as the Telkom time signal as available over the telephone determines the closing time, by which the completed tender must be received.

Eskom employees are not permitted to deposit a tender into the Eskom tender box on behalf of a tenderer.

- | | | |
|----------------------------|------|--|
| Cost of tendering | 2.6 | Accept that Eskom will not compensate the tenderer for any costs incurred in the preparation and submission of a tender, or the negotiation of any contract, including the costs of any testing necessary to demonstrate that aspects of the tender satisfy the evaluation criteria. |
| Submitting a tender | 2.7 | Check the <i>enquiry documents</i> on receipt and notify the Eskom <i>representative</i> of any discrepancy or omissions of documents. The Acknowledgement Form must be completed as required and submitted with the tender and must clearly state if the tender is for the whole or part of the works, services or supply identified in the specification and/or works information by Eskom |
| | 2.8 | Return the <i>mandatory tender returnables</i> to Eskom for evaluation purposes by tender submission deadline, and <i>other tender returnables</i> that are required for contract award, before contract award, completing without exception; all the forms, data and schedules included therein. Where any certificate, document, proof of registration or the like is required to be submitted as a <i>mandatory</i> or <i>other tender returnable</i> , the tenderer must ensure that Eskom is in possession of a valid, current and where stipulated, an original certificate/document for the duration of the <i>tender validity</i> period and, if the tender is successful, up to contract award. |
| | 2.9 | Submit the tender as a complete original tender, plus one (1) complete hard copy of the original tender. These tenders must be submitted in English. If one (1) complete hard copy of the original tender is not submitted, the tender will be disqualified. Eskom may also require that one (1) additional complete soft copy of the original tender is required in an electronic format. Tenders may not be written in pencil and must be completed in ink. |
| | 2.10 | Sign the original tender. Eskom will hold the signatory named as the person duly authorised to sign the tender on behalf of the tenderer, liable for the tender. |
| | 2.11 | Seal the original tender and the copy (ies) of the tender as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state the Eskom address on the outside, the <i>Invitation to Tender number</i> stated in the Tender |

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| | | | | | |
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|  | Eskom Holdings Ltd Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 9 |
| | | Effective Date | 18 February 2022 | | |
| | | Review Date | February 2025 | | |

Data, as well as the tenderer's name and contact address.

- 2.12 Seal the original tender and required complete copies together in an outer package that states on the outside, only the Eskom address and *Invitation to Tender* number as stated in the Tender Data. The outer package must be marked "CONFIDENTIAL".
- Tender validity** 2.13 Hold the tender(s) valid for acceptance by Eskom at any time within the *validity period* after the *deadline for tender submission*. Extend the *validity period* for a specified additional period if Eskom requests the tenderer to do so. A tenderer agreeing to the request will not be required or permitted to modify a tender. If contracts have not been concluded and the tender validity has not been extended (as prescribed in the Eskom PSCM 32-1034) and lapses; then the tenders are deemed to be invalid and the procurement process cannot continue. A new procurement process will have to be initiated.
- Confidentiality and copyright of documents** 2.14 Treat as confidential all matters arising in connection with the tender. Use and copy the documents provided by Eskom only for the purpose of preparing and submitting a tender in response to this Invitation to Tender.
- Standardised specifications and other publications** 2.15 Obtain, if required, for the purposes of submitting a tender, copies of the latest revision of standardised specifications and/or other documents, which are not attached to the Invitation to Tender, but which may be incorporated in the contents of the *enquiry documents* by reference.
- Site visit and / or clarification meeting** 2.16 Tenderers must attend a *site visit and/or clarification meeting* that is cited as being compulsory in order to familiarise themselves with the proposed work, services or supply, location, etc. and raise questions. Details of the meeting(s) are stated in the Tender Data. Failure to attend such compulsory meeting/site visit will result in the tender being disqualified.
- Seek clarification** 2.17 Request clarification of the *enquiry documents*, if necessary, by notifying the Eskom *Representative* earlier than the *closing time for clarification of queries*.
- Insurance** 2.18 Be informed that the extent (if any) of insurance provided by Eskom may not be for the full cover required in terms of the relevant category listed in the *conditions of contract*. The tenderer is advised to seek qualified advice regarding insurance.
- Pricing the tender** 2.19 Include in the rates, prices, and the tendered total of the Prices (if any) all duties, taxes (including VAT), and other levies payable by the successful tenderer. Such duties, taxes and levies are those applicable 14 (fourteen) days prior to the *deadline for tender submission*.
- 2.20 Provide rates and Prices that are fixed for the duration of the contract and not subject to contract price adjustment except as provided for in the *Enquiry*.

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- 2.21 State the rates and Prices in South African Rand unless instructed otherwise in the Invitation to Tender. The selected *conditions of contract* may provide for part payment in other currencies. Submit r Prices in accordance with the exchange rate and base date as stipulated in the Invitation to tender.
- Alterations to documents** 2.22 Not make any alterations or additions to the *tender documents*, other than for purposes of complying with instructions issued by the Eskom *Representative* or if necessary to correct errors made by the tenderer. All such alterations shall be initialed by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.
- Alternative tenders** 2.23 Submit alternative tenders only if a main tender is also submitted, and only if this is permitted in the Invitation to Tender. Accept that an alternative tender may be based only on the *criteria* stated in the Tender Data and as acceptable to Eskom
- Clarification and correction of Prices after tender submission** 2.24 Provide clarification and documents as required by the Eskom *Representative* during the evaluation of tenders, if not submitted. However, mandatory tender returnables (that were required at tender submission deadline) will not be requested and may not be submitted after tender submission deadline. Clarifications may include providing a breakdown of rates or Prices, and may not result in changes to prices or substance of the tender submitted, except as required by the Eskom *Representative* to confirm the *correction of arithmetical errors* discovered in the evaluation of tenders. The total of the Prices as corrected by Eskom with the concurrence of the tenderer, shall be binding upon the tenderer.
- Sign Form of Agreement** 2.25 Undertake to check the final draft of the contract provided by the Eskom *Representative*, and sign the contract documents.
- Proof of authority to act as agent** 2.26 Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent of the tenderer must be submitted as a *tender returnable*.
- Compliance with relevant legislation (NT instructions, CIDB, PPPFA etc)** 2.27 Comply with relevant legislation such as NT instructions (CSD, etc), CIDB regulations for construction works; designated materials according to dti, PPPFA regulations; Amended B-BBEE Codes, COIDA; OHS Act; Eskom's requirements for Safety, Health , Environment and Quality (SHEQ) etc and any other applicable legislation/regulations as may be set out in Invitation to Tender.
- 2.28 Tenderers are required to provide reasonable proof to the satisfaction of Eskom, that safety, health, environmental and quality (SHEQ) systems, policies and capabilities are in place at the time of contract award. All costs and personnel associated with SHEQ should be reflected in the tender for Eskom's assessment thereof.

Where CIDB is applicable; proof of registration on CIDB is mandatory at tender

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closing deadline. Should this not be received as stipulated in the enquiry; the tender will be disqualified. However, in the event that, at tender deadline submission, only proof of application for registration on CIDB is available, then this must be submitted by tender closing deadline; while the actual proof of CIDB registration (printout from CIDB database) must be submitted by contract award.

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| | 2.29 | Eskom may disqualify a tender if it is found that the tenderer has misrepresented or falsified any information, certificate, affidavit or document. A fraudulent B-BBEE certificate/affidavit or 'fronting' will be reported to the B-BBEE Commissioner and the tenderer will be suspended from business with any State Owned Company for up to 10 years and may even be sentenced to jail. |
| Tenderer's Supplier Development & Localisation (SD&L) Undertaking | 2.30 | Tenderers are also required to complete fully and submit the SD&L Undertaking (annexure to the Invitation to Tender) by no later than contract award. If this SD&L Undertaking is not completed and submitted as indicated in the Invitation to Tender, your tender will not be considered for contract award. |
| Provision of Security for Performance | 2.31 | To the extent that the provision of security for performance is a requirement, the tenderer must indicate the names of a minimum of two (2) financial institutions that the tenderer is likely to approach in order to obtain the required form of security. Eskom reserves the right to reject the financial institution if found not to be suitable. |
| Respond to clarification | 3.1 | Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . The responses will be published to all tenderers in the same manner the <i>enquiry documents</i> were issued and it is the tenderers responsibility to check the Eskom Tender Bulletin and NT e-Tender Portal regularly for updated responses to clarifications by the Eskom <i>Representative</i> . |
| Issue Addenda | 3.2 | If necessary, issue Addenda that may amend, amplify, or add to the <i>Enquiry documents</i> . If a tenderer applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, Eskom may grant such an extension and the Eskom <i>Representative</i> shall notify all tenderers of the extension. |
| Return late tenders | 3.3 | Return tenders received after the <i>deadline for tender submission</i> unopened to the tenderer submitting a late tender. Tenders will be deemed late if they are not received at the designated facsimile machine or in the designated tender box at the date and time stipulated as the <i>deadline for tender submission</i> |
| Tender opening | 3.4 | Open the tenders in the presence of the tenderers' representatives who choose to attend at the time and place stated in the Tender Data. Tenders for which an acceptable notice of withdrawal has been submitted will not be opened. |
| | 3.5 | At tender opening, Eskom will announce the names of the tenderers. Prices may be announced if so stated in the Tender Data. |

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| Non-disclosure | 3.6 | Unless required to do so by law, not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract, until after the award of the contract to the successful tenderer. |
| Grounds for rejection | 3.7 | Reject a tender after the Eskom Supplier Reconsideration Committee has established through the Eskom prescribed processes, that there is proof that the tenderer influenced the processing of tenders or awarding of the contract; that colluding/ bid rigging or any fraudulent activity has taken place in connection with the Invitation to Tender. |
| Clarification of a tender | 3.8 | Obtain from a tenderer clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified. Mandatory documents will not be requested but clarity on it may be required. |
| Basic Compliance | 3.9 | Determine before detailed evaluation, whether each tender received meets the <i>basic compliance</i> as stated in the enquiry. A tenderer's failure to comply with the stated <i>basic compliance</i> of tender will render a tender non-responsive. It must further be noted that a tenderer's failure to provide one (1) complete hard copy of the original tender, will result in the disqualification of the tender from further evaluation. Tenderers will not be permitted to provide one (1) complete hard copy after the <i>tender submission deadline date</i> , and Eskom is not responsible for making copies of original tenders. |
| Mandatory tender returnables | 3.10 | A tender that does not include mandatory documents or information as stipulated in the Invitation to Tender and by the required deadlines; will be deemed non-responsive. |
| Pre-Qualification Criteria | 3.11 | Tenderers, who comply with the basic compliance and mandatory tender returnables, are required to comply with Pre-Qualification criteria, if stipulated in the Invitation to Tender. It must be noted that Eskom will not measure a criterion twice in the different evaluation phases, as this is regarded as 'double dipping'. |
| Designated materials and thresholds | 3.12 | Certain materials are identified by dti as designated materials and a specified percentage (gatekeeper for further evaluation) must be bought from local companies. A tenderer's failure to meet stipulated gatekeepers as per the dti's requirement for local support of designated materials will also render the tender non-responsive. |
| Functionality requirements | 3.13 | If functionality is a criterion; tenderers are scored against the technical functionality criteria and have to meet the minimum threshold as stated in the Tender Data. Only if this minimum threshold is met/exceeded will the tender be evaluated further. |
| Financial analysis | 3.14 | Eskom has to determine the risk of doing business with a supplier who may pose |

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financial risks to Eskom in the execution of the contract. During evaluation of the financial statements, Eskom will try to identify mitigating factors/ requirements for the tenderer to meet, if applicable. However, should there be insufficient suitable mitigating factors or the risk is deemed too high; Eskom may disqualify the tender.

Evaluation of Price 3.15 Evaluate the price according to the criteria/requirements set in the Tender Data. Factors such as CPA, FOREX, commodity increases, discounts, NPV, forecasted rates of invoicing are taken into account when determining the Price.

Arithmetical errors 3.16 Check responsive tenders for arithmetical errors/ discrepancies between amounts in figures and in words, the amount in words shall govern.

Check the highest ranked tender/tenderer with the highest number of evaluation points after the evaluation of tender offers with respect to the following errors/omissions:-

- a) the gross misplacement of the decimal point in any unit rate; or
- b) omissions made in completing the pricing schedule or bill of quantities, or
- c) arithmetical errors due to :-line item totals resulting from the product of a unit rate and a quantity in a bill of quantities or schedule of prices; or
- d) the summation of the prices

Eskom will notify the tenderer of all errors/omissions that are identified in the tender offer to either confirm the tender offer as tendered or to accept the corrected total of prices

Where the tenderer elects to confirm the tender offer as tendered; Eskom will correct the error as follows:-

a) If a bill of quantities/pricing schedule applies and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern, and the rate shall be corrected.

Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

b) Where there is an error in total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer shall be asked to revise the selected item prices (and their rates if bill of quantities apply) to achieve the tendered total of the prices.

Eskom will consider the rejection of a tender offer if the tenderer does not correct or does not accept the correction of errors in the required manner.

Evaluation of 3.17 Score the B-BBEE level as stated on the CSD report or as per certificate/affidavit

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provided. If the B-BBEE level is a pre-qualification criterion; then the proof of the B-BBEE level (certificate/CSD number/CSD report) must be provided at tender submission deadline; or the tender will be disqualified. If sub-contracting to designated groups pre-qualification criteria are utilized (selected/mandatory) in terms of the PPPFA Regulation, then Eskom will apply the PPPFA requirements for sub-contractors' B-BBEE status and the sub-contractors' CSD number or B-BBEE certificate/affidavit will need to be provided at tender submission deadline. Should the information/documents provided indicate that the level is in dispute (fraudulent/expired) then the tender will be disqualified.

However, for the purposes of PPPFA point allocation: if no B-BBEE certificate/affidavit is provided at Tender closing deadline, or the information/documents provided are fraudulent or have expired; then the tenderer will not be disqualified (if otherwise deemed to be responsive and acceptable in all other aspects) but will score zero under PPPFA point allocation.

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| Ranking of tenders | 3.18 | According to the PPPFA , Eskom will add the score for Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. |
| Objective criteria | 3.19 | Eskom will evaluate the objective criteria as stated in the Tender Data. Objective criteria may become a contractual condition and must be negotiated, should it be required, first with the highest ranked tenderer, and only if the highest ranked tenderer is not able to meet the objective criteria satisfactorily; then with the second and third ranked tenderers, respectively ,as the case may be. This may ultimately result in the tender being awarded to a tenderer other than the highest ranked tenderer. |
| Reverse e-Auction | 3.20 | Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and be disregarded. |
| Acceptance of tender | 3.21 | Notify Eskom's acceptance to the successful tender before the expiry of the validity period, or agreed additional validity period. Inform the successful and unsuccessful tenderers only once approval has been granted by the Eskom Adjudication Authority. For open tenders, this notification must be published on the Eskom Tender Bulletin and NT e-Tender Portal. |
| Prepare contract documents | 3.22 | Revise the contract documents issued by Eskom as part of the Enquiry documents to take account of: <ul style="list-style-type: none"> • Addenda issued during the tender period, • Inclusion of some of the tender returnables as stated, |

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- Inclusion of changes as agreed during negotiations,
- Other revisions or documents agreed to between Eskom and the successful tenderer during negotiations

Sign Form of Agreement

- 3.23 Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of Agreement.

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