

	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER (ITT) / REQUEST FOR PROPOSAL (RFP)

FOR

Provision for MV/ LV Maintenance & Repairs MV & LV (Overhead aerial bundled conductor and bare conductor lines) in Cape Coastal Cluster – Eastern Cape.

Tender number	E3379DXECOU
Issue date	14 August 2026
Closing date and time	07 September at 10h00 am 07 September 2026
Tender validity period	120 days from the closing date and time
Clarification meeting	A non-compulsory clarification meeting will be held via MS TEAMS Meeting on 25 August 2026 @ 10:00am. Microsoft Teams meeting Join: https://teams.microsoft.com/meet/366607842405781?p=RJaTWBc9ZsmZVpXIBY Meeting ID: 366 607 842 405 781 Passcode: VY3FG7eC Tenderers must confirm their attendance with the Eskom <i>Representative</i> via email to wellemt@eskom.co.za
Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time. <i>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time</i>	Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and a copy in excel format (The limit is 50MB per file and total submission of 900MB per submission)

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		Effective Date	07 April 2026		
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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the Provision for MV/ LV Maintenance & Repairs MV & LV (Overhead aerial bundled conductor and bare conductor lines) in Cape Coastal Cluster – Eastern Cape.

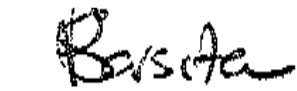
The tender documents are supplied to you on the following basis:

1. Free of charge

Eskom has delegated the management of this Invitation to Tender to the *Eskom Representative* whose name and contact details are set out in the Tender Data. The submission of a tender/proposal by you in response to this Invitation to Tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at www.eskom.co.za.

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the *Eskom Representative*. No query or clarification may be addressed to any Eskom official other than the *Eskom Representative*.

Yours faithfully



____ Middle Manager: Procurement & Supply Chain ____

Procurement Manager (Acting)

Lerato Noko

14 August 2026

Date: _____

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		Review Date	April 2031		

1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender/Request for Proposal.

Number	Description	Annexure	Attached (Y/N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	N/A
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure G	N/A
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures F1 to F4 as evidence of compliance with this requirement). Annex C Local Content Declaration-Summary Schedule Annex D Imported Content Declaration – Supporting Schedule to Annex C Annex E Local Content Declaration-Supporting Schedule to Annex C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	N/A N/A N/A N/A
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	N/A	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

1.1.12	Reverse e-auction training acknowledgement form (if applicable)	N/A	
1.1.13	Reverse e-auction process (if applicable)	N/A	
1.1.14	CIDB Contract Skills Development Goals (CSDG) (if applicable)		Y
1.1.15	Contract Participation Goals (CPG) (if applicable)		Y
1.1.16	Scope of Work	Attached	
1.1.17	NEC or other Contract	Attached	

1.2 Tender Data

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** are not attached to the **Invitation to Tender/Request for Proposal**, then tenderers are required to download this from www.eskom.co.za. The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Thembakazi Wellem Tel: 043 703 2378 E-mail: wellemt@eskom.co.za
1.3 Tender documents	The Invitation to tender number is: E3379DXECOU See the content list above for the tender documents. • National Treasury e Tender Portal. • CIDB iTender Bulletin, and • Eskom Tender Bulletin It is the responsibility of the tendering party to ensure all the required documentation is downloaded and completed.
1.4 Type of Invitation to Tender/ RFP	This Invitation to Tender is: An open Invitation to Tender

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		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
1.6 Eskom's right to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligibility	Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies. <u>Tenderers are ineligible to submit a tender if:</u> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). 3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is: (a) they have a controlling partner or majority shareholder in common; or (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process; 5. Tenders signed by non-authorized persons. 6. Any tenderer that is restricted by National Treasury. 7. Any tenderer on the Tender Defaulters list. 8. Any tenderer and/or its director/s that is restricted by Eskom. 9. A tenderer that sub-contracts 100% of the Scope of Work

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	Eskom will disqualify tenderers that are found not to have met the eligibility criteria.
2.2 - 2.5 Tender Closing	The deadline for Tender submission is: Date: 07 September 2026 Time: 10H00 am Late Tenders will not be accepted. Tenders are uploaded via Eskom Tender bulletin site on the Eskom E- tendering page
2.7-.2.11 Submitting a tender	For Electronic Tender Submissions The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other. All documents need to be submitted in a PDF and Excel format (The limit is 50MB per file and total submission of 900MB per submissions). The price list needs to be submitted in PDF and a copy in excel format No Zip/condense files can be uploaded No hard copy will be accepted If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. Please ensure that the submission status is indicated as complete. Supplier Help Manual guide and video can be found on Eskom E- Tendering page
2.12 Tender Validity Period	The tender validity period is 120 days .
2.15 Site visit and/or clarification meeting	A <i>non-compulsory clarification meeting</i> with representatives of Eskom will take place as follows: Date: 25 August 2026 Time: 10:00am Venue: VIA MS TEAMS Tenderers must confirm their attendance with the Eskom <i>Representative</i> via email to <u>wellemt@eskom.co.za</u>

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2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are not allowed .
2.33 Cataloguing	Not applicable
2.34 Provision of Security for Performance	Not applicable
3.4 Tender Opening	Tenders will be opened at the same date and time as the tender deadline. Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and a copy in excel format (The limit is 50MB per file and total submission of 900MB per submission) https://www.eskom.co.za/tenders/.
3.5 Tender Prices	Prices will not be read out .
3.9 Basic Compliance	Basic compliance with this Invitation to Tender requires a tenderer to meet all the following requirements: Basic compliance for this invitation to tender are: 1. Meet the eligibility criteria for a tenderer 2. Submit a complete tender with commercial, financial and technical information 3. Submission of the mandatory commercial tender returnables as at stipulated deadlines. For E-Tendering, a tenderer's failure to have submitted/uploaded tender documents will render the tender non-responsive. Evaluation Criteria to be applied: 1. Commercial 2. Functionality 3. PPPFA Price & Preference 4. Contractual requirement: SHEQ requirements (Safety and Health, Environment & Quality & SDL & I)

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		Effective Date	07 April 2026		
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Clause Number from Standard Conditions of Tender	Tender Data
	5. Financial Evaluation Commercial returnables • Enquiry Cover Page • Authorisation Form (Annexure A) • Acknowledgement Form (Annexure B) • Tenderer's particulars (Annexure C) • Integrity Declaration Form (Annexure D) • CIDB EP PE from grading 2 or higher. • SARS issued pin • BBBEE Certificate/Affidavit • Letter of Good Standing (COID) • Share Holders, copy of their ID's and their shareholding percentage. • Company Registration Documents • Preference points claim form • Proof of CSD Registration Summary Doc • Completed NEC3 Part 2 Contract Data by Contractor (Mandatory) • Completed NEC3 Offer and acceptance • Supplier Evaluation Pack
3.10 Mandatory tender returnables	The following commercial mandatory requirements are returnable required at tender closing • Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and a copy in excel format (The limit is 50MB per file and total submission of 900MB per submission) • Contract Data Part 2: Data provided by Employer (mandatory) • Priced BOQ A tenderer that does not submit mandatory documents by or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender will be deemed non-responsive.
3.13 Functionality requirements	Functionality requirements are applicable TECHNICAL — MANDATORY REQUIREMENTS Legislative Training and Validation of Certificates All ESKOM certificates for courses listed below must be sent for validation and the validation letter must accompany the certificate.

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		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data					
	All operating / Legislative training certificates shall be accompanied by a validation letter as per EI 240-170000408, Request for validation letter must be sent to facilitators@eskom.co.za For legislative training and validation All the following courses shall be accompanied by a validation letter. Portfolios without validation letters will not be taken into account. Operating / Legislative training Operating/Legislative training will cover the following courses ORHVS HVO 01, HVO 02 and HVO 04 ELW 001 Supervision in Electrical Hazardous Area OL2 002 Equipotential Earthing HVA 001 ORHVS Awareness LVOR 001 Low Voltage Regulations LVOP 001 Low Voltage Operating Core/MV/LV Line Construction L3E 06 Live Low Voltage work Methods Functionality continued Proposals will be required to meet 75% functionality qualifying score in order to be evaluated further and tenders that fail to achieve the minimum qualifying score for functionality will be disqualified. A weighted score-card approach will be used to evaluate technical compliance of tenders against the specification. The following criteria will be applicable for this transaction under functionality criteria: <table><tr><td rowspan="2">Technical</td><td>Functionality Criteria</td><td>Maximum number of points percentages</td></tr><tr><td>Technical (Specification compliance)</td><td>100%</td></tr></table> Functionality will be evaluated on a total weight of 100% with a minimum threshold of 75% will be considered for selection.	Technical	Functionality Criteria	Maximum number of points percentages	Technical (Specification compliance)	100%
Technical	Functionality Criteria		Maximum number of points percentages			
	Technical (Specification compliance)	100%				

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		Effective Date	07 April 2026		
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Clause Number from Standard Conditions of Tender	Tender Data
	DEFINITIONS Mandatory Criteria: Mandatory criteria (gatekeepers) are ‘must meet’ criteria. These criteria shall not be weighted, or point scored but shall be assessed on a Yes/No basis as to whether or not the criteria are met. An assessment of ‘No’ against any criterion shall technically disqualify the tenderer and shall not be further evaluated against functional Criteria. Functional Criteria: Bids meeting the Mandatory Evaluation Criteria will be evaluated against the Functional Evaluation Criteria in order to allocate an evaluation result (score). Submissions achieving a score meeting or exceeding the define threshold will be considered further. ENQUIRY RETURNABLE: Items stipulated in the Tender Enquiry, defined as mandatory and functional, to be submitted as part of the tender submission. Other Evidence: Additional evidence required either during tender stage or contract award stage which is not scored and will not affect the final score allocated to the submission. Technical Strategy The evaluation strategy and supporting criteria described in the following sections will be used to evaluate qualifying bids. All functional criteria will be scored, and a threshold will be set. If the threshold is met, then the qualifying bids will be processed further for selection. Contractual requirements will also be assessed at contract award stage. POST TENDER AWARD CONSIDERATIONS: Contractors will be required to obtain (EC OU MV Outcome 4 and EC OU LV Authorisation) prior to contract signing, authorisations that expire after contract award prior to the allocation of work will be

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		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data												
	required. Work will not be allocated to Contractors that do not have the required authorisations for the task FUNCTIONAL CRITERIA AND RETURNABLE The following evidence must be submitted at tender stage. The evidence will be assessed, and scores will be allocated accordingly. No part marks will be allowed. Note that the criterion does not represent the full extent of training, tools and equipment required for the execution of project scope. The full requirements must be fulfilled if a task order is awarded. The tools listed represent a sub-set of the standard tools required. Specialized tools are not included in the mandatory evidence. The Minimum Threshold is set at 75%. A site verification of tools and equipment will be done for suppliers that pass the technical evaluation. Suppliers who don't provide the tools and equipment as submitted as part of returnable will result in scoring being reviewed. Copies of all valid training certificates and affidavits shall be submitted. The copies shall be certified by a Commissioner of Oaths (with signature and date not older than three months from the date of tender close). The functional criteria will consist of 3 main sections and each section will be weighted as per the table below. <table border="1"> <thead> <tr> <th colspan="2">Summary of functional criteria sections and weighting</th></tr> <tr> <th>Description</th><th>Weights</th></tr> </thead> <tbody> <tr> <td>Skills/Training Resources</td><td>45%</td></tr> <tr> <td>Tools and equipment</td><td>40%</td></tr> <tr> <td>Experience</td><td>15%</td></tr> <tr> <td>Total</td><td>100%</td></tr> </tbody> </table> Ranking: All submissions will be ranked from highest score to lowest score (functional score). Only the submissions that meet the minimum functionality threshold of 75% will be considered for selection. Contract Award: A total of fifty (50) contractors is required to assist in the quick allocation of work in the Cape Coastal Cluster - Eastern Cape.	Summary of functional criteria sections and weighting		Description	Weights	Skills/Training Resources	45%	Tools and equipment	40%	Experience	15%	Total	100%
Summary of functional criteria sections and weighting													
Description	Weights												
Skills/Training Resources	45%												
Tools and equipment	40%												
Experience	15%												
Total	100%												

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		Review Date	April 2031		

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	Should the required number of contractors not met, Eskom will award the tender to the successful contractors that met the tender requirements, and an enquiry should be re-issued the outstanding number of contractors.

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Clause Number from Standard Conditions of Tender	Tender Data			
	Item	Description	Source of evidence	Score
	1.	Skills /Training/Resources		
	1.1	Organogram clearly indicating the contractor/Company management and technical resource relationships for the specific EC Zone.	Organogram certified by owner's/members/directors	5
	1.2	Site Supervisor/Team leader per team (submit following documents) - Detailed CV of related experience (2 pts) - OHS Act overview (1 pts) - First aid level 2 (1 pts) - Basic Fire Fighting (1 pts) - Supervision ** (3 pts) - Driver's license (1 pts) - Valid medicals (1 pts) - HIRA/ Pre-Job Planning and Risk Assessment (1 pts) - Environmental Awareness / Environmental initiative and Management (1 pts) - Equipotential Earthing ** (3 pts) - Working from Heights (3 pts) - High Voltage Environment and Regulations Awareness HVA 01 (1 pts) - ORHVS: HVO 04 ** (3 pts) - Core MV Line Constructions (3 pts) - Core LV Line Constructions (3 pts) - Certified copy of ID (1 pts) - LVOR 001 (LV Regulations) (3 pts) - LVOP 001(Low Voltage Operating) (3 pts) - Performing Work on Energized (LV) Networks L3E 06 (3 pts) - Prepaid Meter (including Split metering) (2 pts) - Electrical measuring instruments	Certified Certificates from accredited service providers (**MUST BE ESKOM ACCREDITED) NB: To be accompanied by affidavit done by the certificate holder to confirm his/her employment	45

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		/trade test (1 pt) Fundamentals of Electricity/Electrical qualification (1 pts) • Cabling (MV 22Kv & 11 kV) (3 pts)			
	1.3	Proof of training for all Linesmen, Climbers/team members (TWO LINESMEN per Team) • First Aid Level 2 (2 pts) • Basic Fire Fighting (1 pts) • MVLV Line Construction (3 pts) • LV Line Construction (3 pts) • Fall Arrest Training & Rescue (3 pts) • Valid Medicals (1 pts) • Copy of ID (1 pts) • Climbing shoes/ladder safety training (2 pts)	Certified Certificates from accredited service providers (**MUST BE ESKOM ACCREDITED) NB: To be accompanied by affidavit done by the Certificate holder to confirm his/her employment		16

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Clause Number from Standard Conditions of Tender	Tender Data			
	2	Tools and Equipment		
	2.1	- Vehicle mounted crane truck 4x4 (3 pts) - Vehicle mounted crane truck ariel bucket (3 pts) - With load test certificate (2 pts) - Crane operator (2 pts) - Crane Operator ID Copy (1 pts) - Crane Operator Valid Medical (1 pts)	Vehicle Registration Papers (RC 1) or Authentic access or rental agreement Valid crane operators permit	12
	2.2	Staff transportation – double cab, minibus	Vehicle Registration Papers (RC 1) or Authentic access or rental agreement	5
	2.3	LDV	Vehicle Registration Papers (RC 1) or Authentic access or rental agreement	5
	2.4	Line Construction Equipment for construction - Spade (2 pts) - Picks (2 pts) - Chain hoist (3 pts) - Dynamometers (3 pts) - Come-a-long (3 pts) - Crimping Tool (3 pts)	Proof of ownership (assist register certified by Director and test certificates) or authentic access or rental agreement	16
	2.5	Mobile compressor and equipment	Proof of ownership or authentic access or rental agreement	5

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	2.6	Related operating equipment - Working earths (2 pts) - Link stick (2 pts) - MV Testers (1 pts) - LV Testers (1 pts)	Proof of ownership (asset register certified by Director and test Certificates) or authentic access or rental agreement	6
	3	Experience		
	3.1	Experience List of relevant and comparable projects undertaken. 1-5 task orders(5 points) 5-10 task orders (10 points) 10-15 task orders (15 points) ONE POINT PER TASK ORDER	Portfolio of Evidence including project scope, completion date, project value and client contact person and details.	15
	<u>Notes:</u> SKILLS/ TRAINING & RESOURCES: TOOLS AND EQUIPMENT REQUIREMENTS a) The criteria (i.e. the list of tools and equipment requirements) are stated on 2.1, 2.2, 2.3, 2.4, 2.5 & 2.6. b) The requirement is to demonstrate access to the listed tools and equipment either through ownership or hiring. c) The returnable will be as follows: Return a COMPLETED AND SIGNED Tools and Equipment list which includes all items stated in 2.1, 2.2, 2.3, 2.4, 2.5 & 2.6, indicating on the submission if the item is owned or being rented. (With asset numbers) AND if the item is being hired then proof of hiring is required. Include a letter from a hiring company stating the items that are being hired (i.e. all items in the table or the specific items that are being hired). The letter issued will only be accepted if it is issued from a recognized tool hiring companies or suppliers. The hiring letter shall be signed by the lessor (hiring company representative). Important note: If the tool list is not signed, it will not be accepted as valid evidence			

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	VEHICLE REQUIREMENTS The requirement is to demonstrate access to the listed vehicles either through ownership or hiring. The returnable will be as follows: • Vehicles indicated as Owned will need to be further substantiated by providing the Vehicle Owner's information and position in the tendering company. If the vehicle owner does not hold a position in the Company, then the vehicle will not be considered "owned" and points will be deducted accordingly. • If the vehicle is being hired, then proof of hiring is required. Include a letter from a hiring Company stating the items that are being hired (i.e. all items in the table or the specific items that are being hired). The letter issued will only be accepted if it is issued from recognized vehicle companies or supplier letters from Construction. In order to mitigate the challenge with Authorizations, the recommended approach which has been included in this strategy is as follows: • Authorizations Pre-requisites (training) (MV Outcome 3&4 and LV Authorizations) are to be included in the Functional Criteria for Scoring. • The weight of this criterion will be set at a level that will not result in the bid failing to meet the threshold therefore not closing the market. • But the weight will allow for the criterion to influence the ranking by allowing those bids with valid Authorizations to score additional points. • Anticipated Outcome: if all other technical requirements are reasonably met, and this results in a score that meets the threshold, the expectation is that the final panel will include contractors with and without authorizations. Where contractors do not have Authorizations pre-requisites be given 3 months to obtain the authorization.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	The principles that will be applied in work allocation will be as follows: - One panel will be established with all qualifying contractors who have signed the contract being considered each time a task order needs to be allocated: - Work will be allocated on a rotational basis to the compliant contractors (COIDA, TAX & BBBEE); - Contractors must have valid authorization at the time of award; - Each qualifying contractor will receive a minimum of one task order. The allocation of subsequent task orders will be dependent upon the following factors: - least allocation and - availability of resourced teams. In the event that a contractor refuses work, the contractor will provide confirmation in writing which will be retained by the Committee for audit purposes; and - The Work allocation Committee will provide feedback to the highest level PTC within the Cluster on a quarterly basis.
3.15 Evaluation of Price	Prices will be evaluated as follows: - Inclusive of VAT; - Corrected for arithmetical errors; - Excluding contingencies in any bill of quantities or activity schedule' - Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and - 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 will be taken into account for evaluation purposes. - Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected. Prices will be scored out of 80 points
3.18 Evaluation of Specific Goals	Specific goals will be scored out of 20 points in accordance with the PPPFA.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified. However, it will be awarded 0 points for that Specific Goal.
3.19 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring for the [80/20] system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest. The ranking will be as follows: • The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100. • In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals. • In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.
3.20 Objective Criteria (if applicable)	Objective criteria are not applicable .
3.21 Reverse e-auction (if applicable)	Reverse e-auction is not applicable
Contractual Requirements	<u>Mandatory Contractual Requirements that must be included in all tenders is the following: -</u> • CSD registration Contractual requirements will be as follows: It must be noted that the SHEQ, SDL&I and financial statements requirements will be evaluated, and companies will be given opportunities to submit the outstanding requirements or poorly done submissions. The shortcomings will be communicated to the tenderer who will then be requested to submit the outstanding requirements / corrected submission. Quality Requirements - Category 3 • List of Tender Returnable Category 3 • Form A Category 3 • Contract Quality Plan (CQP) • Quality Control Plan (QCP/ITP)

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	• Supplier Quality Management Specification SHE Requirements • SHE Policy (signed by CEO) • Occupational, Health and Safety Plan (SHE Plan) -This must be relevant to the Scope of work, addressing the Eskom Health and Safety Specification. Also include COVID-19 workplace guidelines and measures>To be signed off (approved) by the Owner / CEO / MD • The acknowledgement of Eskom's OHS rules and requirements form (Annexure B) signed by the Owner / CEO / MD and 2 witnesses • OH&S Organogram (Starting at CEO through to workers – including names and appointment reference). • Baseline Risk Assessment to be in line with the Scope of Work (including Driving). Also include COVID-19 workplace guidelines and measures. This must be approved by Owner/CEO/MD and it must have a review date. • Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, Nature of Business to be applicable). The letter of good standing must state the relevant services rendered by the company, e.g. Electrical related construction work in line with the Scope of Work applicable for this tender. This must be valid at the date of tender submission. (the registration to be for the relevant field) • SHE Competency; proof of the following training certificates and accepted appointment letters for each of the following: Health and Safety Representative, First aid level 2, Fire fighters, Risk Assessor, Safety Officer, Fall protection planner/developer, Incident investigator, Fall arrest training & rescue (Certificate Only). • Medical Fitness Certificate Completed by the Occupational Health Practitioner (ONLY) - On the Annexure template. • Fall Protection Plan (must be approved by CEO/MD/Owner) • Substance Abuse Procedure. Environmental Requirements: • Environmental Policy • Company Organogram: showing environmental responsible persons Environmental Aspects & Impacts Register (Activities, Products or Services) & Rating

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
	• Environmental Risks & Opportunities (SWOT) Register • Environmental Management Programme (EMP) - Project/ Site Specific • Waste management strategy/ Plan (WMP) 7 Environmental Emergency Preparedness & Response Plan • Communication strategy or communication Plan • Environmental incident Register • Environmental Competency Training certificate • Environmental Appointment letters • Acknowledgement & Declaration of understanding of Eskom environmental documents & specifications. • Additional environmental requirement Financial Evaluation: Latest, approved (No draft annual financial statements or managements accounts are allowed for this process) annual financial statements of the tendering company (Not Parent or ultimate holding company), including: • Background to the company • A signed director's report. • A signed auditor's/reviewer's/compiler's/accounting officer's report • Statement of financial position • Statement of comprehensive income • Statement of changes in equity • Statement of cash flows • Notes to the financial statements. • A signed copy of the public interest score (only applicable to South African entities that are not audited) Giving the actual score Indicating whether the company is owner managed or not • Confirming whether the annual financial statements were externally prepared or not. • Copies of the ITA34C for the current & previous years of assessment (only applicable to South African entities that are not audited) • For unincorporated JV or a SPV, each partner in the JV or a SPV must submit its annual financial statements including all items listed above.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data						
	Local content designated sectors requirements (SDL&I) The following are mandatory returnables for contract award: • SBD 6.2 Local Content Declaration Certificate duly completed and signed (Mandatory) • Annexure C: Local Content Declaration Summary Schedule duly completed and signed (Mandatory) • Exemption letter from the Department of Trade Industry and Competition (DTIC) if the stipulated threshold(s) for local content for any designated items cannot be met (Mandatory). • Duly signed delegation of authority letter from someone in executive authority if the person signing the SBD 6.2 and the Annexure C is not someone ordinarily in executive authority. <table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Powerline hardware</td><td>Distribution line hardware</td><td>100%</td></tr></table> Contractual Requirements are not evaluation criteria. They will be assessed after the evaluation and ranking of the tenders. Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award. Failure to meet stipulated Contractual Requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.	Commodity	Components	Local Content Threshold	Powerline hardware	Distribution line hardware	100%
Commodity	Components	Local Content Threshold					
Powerline hardware	Distribution line hardware	100%					
3.24 Sign form of Agreement/ Contractual Conditions	The conditions of contract are the core clauses and the clauses for main Option: NEC3 Engineering and Construction Contract (ECC3) Main option: Option A dispute resolution Option W1: Dispute resolution procedure and secondary Options W1: Dispute resolution procedure X1: Price adjustment for inflation X2 Changes in the law X5: Sectional Completion X7: Delay damages X16: Retention X18: Limitation of liability X19: Task Order Z: Additional conditions of contract						

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable. It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of EP PE from grading 2 or higher.
2.29 Contract Skills Development Goals (CSDG)	Contract Skills Development Goals (CSDG) can only be determined at Task Order level for planned maintenance work when the scope of work details as well as contract value and duration have been determined. It is difficult to specify at this point.
2.30 Contract Participation Goals	Contract Participation Goals (CPG) can only be determined at Task Order level for planned maintenance work when the scope of work details as well as contract value and duration have been determined. It is difficult to specify at this point.

Please note:

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

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

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

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act

1.3 TENDER RETURNABLES

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

NOTE THE FOLLOWING: -

*** Returnables required at Tender closing (disqualifiable): -**

These returnables are required to be completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

**** Returnable required at Tender closing (non-disqualifiable): -**

These returnables are required to be completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.

Returnables required at Tender Closing date and time for evaluation: -

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

Returnable required prior to Contract Award.

Returnables that are mandatory for contract award must be submitted prior to award, completed if completion is a requirement and signed if signature is a requirement.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Basic Compliance	Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and a copy in excel format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes)	✓		
Annexure A	Authorisation Form		✓	
Annexure B	Acknowledgement Form		✓	
Annexure C	Tenderers Particulars		✓	
Annexure D	Integrity Pact Declaration form		✓	
Annexure E	CPA for local goods/services (if applicable)		✓	
Annexure F	CPA(IG) for imported goods/services (if applicable)	N/A		
Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4		✓	
Annexure H (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
# Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure J	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training acknowledgement form (if applicable)				✓
E-tendering Help Manual acknowledgement form (If applicable)			✓	
Additional Documents required in the event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for		✓	

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	the duration of the contract or this may be included as an obligation within the JV agreement.			
	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.		√	
# Specific Goals	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			
Tax Clearance Certificates	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that 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 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		√	
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)		√	

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		Effective Date	07 April 2026		
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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		√	
NEC or other Contract	NEC or other Contract, completed.	√		
Pricing schedule	Completed pricing schedule (if not already submitted in the NEC or other Contract). For e-tendering price schedule needs to be submitted in <i>PDF and a copy in excel format</i> . The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes.	√		
			√	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))		N/A		
	MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Mandatory Contractual Requirement	CSD Registration (CSD number/CSD Report)		√	
	ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			

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		Effective Date	07 April 2026		
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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	Quality requirements are attached with the invitation pack			✓
Other safety/quality documents as required per scope of works	Safety requirements are attached with the invitation pack			✓
Environmental	Environmental requirements are attached with the invitation pack			✓
Due Diligence/financial analysis	• Latest, approved (No draft annual financial statements or managements accounts are allowed for this process) annual financial statements of the tendering company (Not Parent or ultimate holding company) , including: ○ Background to the company ○ A signed director's report. ○ A signed auditor's/reviewer's/compiler's/accounting officer's report ○ Statement of financial position ○ Statement of comprehensive income ○ Statement of changes in equity ○ Statement of cash flows ○ Notes to the financial statements. • A signed copy of the public interest score (only applicable to South African entities that are not audited) ○ Giving the actual score ○ Indicating whether the company is owner managed or not			✓

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		Effective Date	07 April 2026		
		Review Date	April 2031		

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable) *	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	○ Confirming whether the annual financial statements were externally prepared or not. • Copies of the ITA34C for the current & previous years of assessment (only applicable to South African entities that are not audited) • For unincorporated JV or a SPV, each partner in the JV or a SPV must submit its annual financial statements including all items listed above.			
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Functionality/Technical	Refer to Page 9-17 for technical / Functionality scoring requirements	√		

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		Effective Date	07 April 2026		
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ANNEXURE A

AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR	F TRUST

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

A. Certificate for company

I, _____, in my capacity as _____ of the board of directors of _____, hereby confirm that by resolution of the board taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. A certified copy of the resolution of the board is annexed to this Form.

Signed:	Date:
Name:	Position:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

B. Certificate for close corporation

I, _____, in my capacity as member of _____, hereby confirm that by majority vote of the members taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. A certified copy of the members' resolution is annexed to this Form.

Signed:	Date:
Name:	Position:

C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as _____ hereby authorise Mr/Ms _____, acting in his/her capacity of _____, to submit this tender on behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

Name	Address	Signature	Date

NOTE: This certificate is required to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _____, an authorised signatory of _____, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture.

We attach to this Form a certified copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates which member will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead member		
Member		
Member		
Member		

NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.

E. Certificate for sole proprietor

I, _____, hereby confirm that I am the sole proprietor of the business trading as _____

Signed:	Date:
Name:	Position:(Sole Proprietor)

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

F. Certificate for trust

I, _____, in my capacity as _____ of the board of trustees of _____, hereby confirm that by resolution of the board of trustees taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the trust and to sign all documents in connection with this tender and any contract that may result from it on behalf of the trust. A certified copy of the resolution of the board of trustees is annexed to this Form.

Signed:	Date:
Name:	Position:

NOTE: The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

Name of tenderer:	
Full names of authorised signatory:	
Designation and capacity:	
Signature of authorised signatory	
Date of signature:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE B

ACKNOWLEDGEMENT FORM

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

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

Correct as stated in the Invitation to Tender / 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 Invitation to Tender ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender in a previous contract/order [**insert previous contract/order number**] ☐ _____
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder: ☐

4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [**delete whichever is not applicable**] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Invitation to Tender/Request for Proposal No: _____

Name of Tenderer: _____

Country of registration: _____

Full names of contact person: _____

Contact details:

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

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE C

TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:

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

Please complete the following:

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

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury _____
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
6. If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

7. **If sub-contracting is prescribed in the Invitation to Tender , tenderers must complete 7.1 to 7.9.**

7.1 Confirm if you intend sub-contracting

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

7.2 What percentage will you be sub-contracting? _____%

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

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

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

7.6 Please confirm B-BBEE level of said sub-contractor _____

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

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

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

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

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

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE D

INTEGRITY DECLARATION FORM

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

1 DECLARATION OF INTEREST

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where: -

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

Related:

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-
 - (i) are married, or live together in a relationship similar to a marriage; or
 - (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
 - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
 - (ii) either is a subsidiary of the other; or
 - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

Control:

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
 - (a) in the case of a juristic person that is a company-
 - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act¹; or
 - (ii) that first person together with any related or inter-related person, is-
 - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or
 - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;
 - (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members’ interest, or controls directly, or has the right to control, the majority of members’ votes in the close corporation;

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

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

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

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. _____[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? _____[Yes/No]

If Yes, attach proof. to this declaration

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and 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:

1. abused Eskom's procurement process (e.g. bid rigging/collusion); or
2. committed fraud or any other improper conduct in relation to such procurement process.

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/ directors/ members/ partners/ owners/ trustees/ beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/ directors/ members/ partners/ owners/ trustees/ beneficiaries prohibited from doing business with any International Financial/Lending Institution or Development/ Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners/turstees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		
1.6	Is the tenderer/s or any of its directors restricted by Eskom?		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage / Beneficiary Share

Other Entities*:

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 declaration prove to be false, and

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

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

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

Joint Ventures

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

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

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

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE E

CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions

[Procurement Practitioner/QS to populate table hereunder as per scope of work for relevant Tender]

Eskom Proposed CPA breakdown for Local Goods and Service

Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1						
A2						
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					

Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.

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

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

OR

Closing date of tender:	
Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Date of signature:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE G1

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 by the dtic, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

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

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

Where:

x is the imported content in Rand

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

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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

- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

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

IN RESPECT OF BID NO. E3379DXECOU

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 is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp.
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this Invitation to Tender and must be submitted at the stipulated deadline.
- 4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.
The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

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

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

[Annexure G2 – Local Content Declaration - Summary Schedule \(Annex C\)](#)



Adobe Acrobat Document

[Annexure G3 – Imports Declaration – Supporting Schedule to Annex C \(Annex D\)](#)



Adobe Acrobat Document

[Annexure G4 – Local Content Declaration – Supporting Schedule to Annex C \(Annex E\)](#)



Adobe Acrobat Document

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE H

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	E3379DXECOU	CLOSING DATE:	07 September 2026	CLOSING TIME:	10H00am
DESCRIPTION	Provision for MV/ LV Maintenance & Repairs MV & LV (Overhead aerial bundled conductor and bare conductor lines) in Cape Coastal Cluster – Eastern Cape.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL 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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO					

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE I

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ANNEXURE J

SBD 4

TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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, including Restriction by Eskom, that person will automatically be disqualified from the tender process.

2. TENDERER'S DECLARATION

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

Full Name	Identity Number	Name of State Institution

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

[YES/NO]

If so, furnish particulars:

.....
.....

2.3 Does the tenderer 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]

If so, furnish particulars:

.....
.....

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

Controlled Disclosure

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER 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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