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|  | <b>Investment Recovery<br/>Offer to Purchase Template<br/>OLT2109355</b> | Template Identifier | 240-75978567 | Rev | 2 |
|   |  | Effective Date      | 01 June 2021 |     |   |
|   |  | Review Date         | June 2024    |     |   |

**INVITATION TO SUBMIT AN OFFER FOR THE PURCHASE AND REMOVAL OF SCRAP FERROUS METAL (STEEL, SUB-GRADE, CT'S, VT'S, STEEL CAGES, PORCELAIN, RUBBER, INSULATORS, ISOLATORS AND LINE HARDWARE) AT POLOKWANE RDC AND VARIOUS LIMPOPO SITES**

**ENQUIRY NUMBER: OLT2109355**

**CLOSING DATE: 20 MARCH 2024**

## **INVESTMENT RECOVERY SECTION**

**INVITATION TO SUBMIT AN OFFER FOR THE PURCHASE AND REMOVAL OF SCRAP FERROUS METAL (STEEL, SUB-GRADE, CT'S, VT'S, STEEL CAGES, PORCELAIN, RUBBER, INSULATORS, ISOLATORS AND LINE HARDWARE) AT POLOKWANE RDC AND VARIOUS LIMPOPO SITES**

Issue Date:

**12/03/2024**

Ref:

**OLT2109355**

Enquiry: Sylvia Maluleke

+27 15 299 0035

[malulesw@eskom.co.za](mailto:malulesw@eskom.co.za)

### **TENDER ENQUIRY No. OLT2109355**

Eskom is the owner of the listed scrapped ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and Line Hardware) located at **Polokwane RDC and various Limpopo sites.**

You are kindly invited to submit an offer to purchase and removal of scrap ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and Line Hardware) at Polokwane RDC and various Limpopo sites as detailed in the Scope of Work and Offer to Purchase

For commercial clarification send an email to [malulesw@eskom.co.za](mailto:malulesw@eskom.co.za)

## **1. INSPECTION AND VIEWING**

The **Compulsory viewing (Clarification Meeting)** has been arranged as follows:

**Date: 15 March 2024 at 10:00am**

**Venue: Eskom Polokwane RDC, 90 Vermikuliet Street, Ladanna , Polokwane**

Please send details of the company representatives who will be attending this **compulsory** site meeting to **Sylvia Maluleke** on email [malulesw@eskom.co.za](mailto:malulesw@eskom.co.za) not later than Thursday, 15 March 2024 at 16:00.

For commercial clarification send an email to [malulesw@eskom.co.za](mailto:malulesw@eskom.co.za)

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**PPE TO BE WORN ON ALL ESKOM SITES ON VIEWING/ VISITS. YOU WILL NOT BE GRANTED ACCESS TO THE SITE IF THE MINIMUM PPE IS NOT WORN**

## **2. SUBMISSION OF THE “OFFER TO PURCHASE”**

Your tender returnable, as submitted by you together with this “Offer to Purchase” document shall be submitted

- By Email to: [Informaltendering@eskom.co.za](mailto:Informaltendering@eskom.co.za)

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

### **Please note the following rules with respect to the OLT system (Informal Tendering)**

- Please ensure that the email subject line only contains the OLT2109355 Enquiry number as per heading and no other information. Do not add any text to the subject line. Do not add any space in between the prefix and the enquiry number.
- Ensure that all files submitted is in a PDF format.
- Ensure that the enquiry number is stipulated in the subject line on all e- mails if multiple emails are sent
- Ensure that you receive a confirmation email after submitting your documentation. Please follow up immediately via the email address of the respective asset disposal officer if you did not receive this.
- Maximum attachment size per email is 10MB. It is the supplier’s obligation to ensure that the attachments per email do not exceed this limit.
- Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.
- All tender returnables/documentation must be submitted to [Informaltendering@eskom.co.za](mailto:Informaltendering@eskom.co.za) only. E-mails to any other address (except for clarifications) will not be accepted. Failure to comply these rules will result in your tender being disqualified.

Requests for Clarifications must be sent in writing to the respective asset disposal officer at [malulesw@eskom.co.za](mailto:malulesw@eskom.co.za) and not to [Informaltendering@eskom.co.za](mailto:Informaltendering@eskom.co.za). All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within one (1) – two (2) working days before the tender closing deadline, depending on the enquiry duration and complexity.

**The closing time is 10:00AM on 20 March 2024.**

**ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!**

**NO LATE OFFERS WILL BE ACCEPTED!**

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### 3. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, noted in this letter and any amendments that accompany the TENDER ENQUIRY **OLT2109355**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

| STANDARD CONDITIONS OF TENDER   | AGREEMENT 37.2  | Contractor Health and Safety Requirements  |
|---|---|--|
| <br>Eskom_Standard_Co<br>nditions_of_Tender_-_ | <br>Microsoft Word 97 -<br>2003 Document | <br>Contractor Health<br>and Safety Requireme |

### 3.TENDER RETURNABLES

The tenderer must submit valid and completed returnable set out hereunder as part of its tender and if they are not included by tender deadline, the tender will be disqualified from further evaluation).

### 4.LIST OF TENDER RETURNABLES:

#### 4.1. Tender returnable documents

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| Reference  | Returnable From Suppliers   | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|--|---|---|--|--|
| <b>Annexure A</b>                                      | SBD 4 – Bidders Disclosure  |   | ✓  |  |
| <b>Additional Documents required in event of JV: -</b> | 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 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.  |   | ✓  |  |
| <b>Tax Clearance Certificates</b>                      | A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa - but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).<br>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required. |   |  | ✓  |
| <b>Annexure B</b>                                      | Offer to purchase form (price schedule attached and comments to price schedule)   |   | ✓  |  |
| <b>Annexure C</b>                                      | Integrity Declaration form  |   | ✓  |  |
| <b>Annexure D</b>                                      | Authorization Form  |   | ✓  |  |
| <b>B-BBEE</b>  | Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE   |   | ✓  |  |

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|   |  |  |   |   |
|---|--|--|---|---|
|   | Verification Certificate from Accredited verification agency   |  |   |   |
| <b>CSD</b>  | Submitted proof of the registration on National Treasury's Central Supplier Database (CSD) registration Report or MAAA registration number (Valid & Current)<br><b>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status</b> |  | ✓ |   |
| <b>Second-Hand Good Certificate</b>                   | Second-hand goods act certificate from SAPS/License (for scrap dealers and recyclers) (Valid & Current)  |  | ✓ |   |
| <b>Company Registration Documents</b>                 | The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest.   |  | ✓ |   |
| <b>COID</b>   | Valid certificate of good standing   |  | ✓ |   |
|   | <b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>   |  |   |   |
| <b>SHEQ Requirements per scope of works</b>           | <b>SHEQ Requirements</b> <ul style="list-style-type: none"> <li>• Health and Safety Requirements</li> <li>• Environmental requirements</li> </ul>  |  |   | ✓ |
|   | <b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>  |  |   |   |
| <b>Technical (required for functionality scoring)</b> | <b>Technical Requirements</b> <ul style="list-style-type: none"> <li>• Technical inventory list</li> <li>• Method statement based on scope of work</li> </ul>  |  |   | ✓ |

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## 5. SCOPE OF WORK

Purchase, Collection and removal of scrap ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and Line Hardware) at Polokwane RDC and various Limpopo sites

**The successful contractors will be required to comply with the below contract obligation.**

**The successful contractors will be required to comply with the below contract obligation.**

- This is a once-off order , there will be work instruction / task orders issued per site per batch that will be required to be actioned and completed by the successful tenderer within 7 working days of issue. Each batch / work instruction / task order is a standalone task order.
- The successful supplier will be required to take all removable ferrous scrap metals and thereafter submit weighbridge slip to site supervisor and subsequently email it to the Investment Recovery Officer together with the proof of payment.
- The successful tenderer will be required to weigh the truck empty and once loaded weigh the truck full.
- Material must be weighed at a public weighbridge which is not more than 20km radius from site and not on the suppliers premises
- Eskom employee or security to accompany truck to the weighbridge to witness the weighing and to get weighbridge slip for every collection.
- All aluminium/copper conductor or aluminium/copper conductor off cuts whether on any salvageable item or not shall always remain the property of Eskom. Where the bulk of the material may have to be reworked, stripped or processed away from Eskom premises, then the aluminium/copper conductor and off cuts must be returned to Eskom. This material does not form part of the sale will need to be sorted and seperated and remains Eskom property
- The successful tenderer is required to have sufficient capacity and resources to service this order at any given point from any given site within the contractual term as quantities of the units is not known upfront and is dependent on Eskom's operations.
- The successful tenderer is accountable to clean the site once the collections is completed and ensure the area is cleaned should there be an oil spill.
- Only tenders that comply with the above conditions can submit their responses.

The purchaser must assure the site be left clean at completion of their collection and removal of the goods.

The purchaser will be responsible for the safe collection, handling, removal, and transportation of the scrapped ferrous metal as well as to clean the site, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

Payment shall be made to Eskom no later than five days after the date of the sale. The release of the equipment/scrap to the new buyer will take place after receipt of payment to Eskom and the buyer acquiring a permit to remove and transport the equipment/scrap.

The goods on sale will be identified by Eskom.

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## NOTES

- a. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- b. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- c. Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- d. Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- e. You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- f. All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- g This is a open tender
- h. No accommodation will be allowed on site.
- i. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment/scrap incurred while working on this project arising from theft, damage or personal injury.
- j. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.

## 6. FINACIAL EVALUATION

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

| <b>Evaluation Criteria</b> | <b>Weighting</b> |
|----------------------------|------------------|
| Financial – Best price     | 80%              |
| B-BBEE                     | 20%              |

### NOTE:

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

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## 7. PRICE SCHEDULE

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices.

For each disposal transaction the rand price will be calculated by multiplying the recent price of the applicable ITAC (International Trade Administration Commission South Africa) code, the quoted price percentage of ITAC metal bulletin and the weight as per the weighbridge slip excl VAT.

**The below three ITAC price categories will apply for Transmission and Generation**

| ITEM NO | DESCRIPTION                | ITAC Code  | OFFERED PRICE<br>PERCENTAGE OF ITAC METAL<br>BULLETIN<br>(% excluding VAT) |
|---------|----------------------------|------------|--|
| 1       | Sub grade Steel            | <b>215</b> |  |
| 2       | Heavy steel scrap          | <b>201</b> |  |
| 3       | Contaminated / Mixed Scrap | <b>280</b> |  |

For Distribution only the mixed scrap category will apply as follows:

| ITEM NO | DESCRIPTION                | ITAC Code  | OFFERED PRICE<br>PERCENTAGE OF ITAC METAL<br>BULLETIN<br>(% excluding VAT) |
|---------|----------------------------|------------|--|
| 1       | Contaminated / Mixed Scrap | <b>201</b> |  |

hereafter referred to as the total offer prices, excluding VAT, remittances in respect of the agreement are to be made payable to Eskom Holdings SOC Limited, and are to be paid within five (5) working days after sale, All payments due and payable to Eskom shall be by bank cheque or electronic bank transfer only.

## 8. VALUE ADDED TAX (VAT)

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

## DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX

IT IS A CONDITION OF TENDERERS THAT:

8.1 It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.

8.2 The tenderer must include with his tender documents a copy of a Tax Clearance

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Certificate (in respect of Tenders)

8.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:

8.4 Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or

8.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.

8.6 Each party to Consortium/Sub-contractor must complete a separate declaration.

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

## 9.Environmental requirements

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

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

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

## 10. GUARANTEE / WARRANTY

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

## 11. OFFERS

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

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

**The successful purchaser will be notified.**

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

## 12. VARIATION

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

Yours Faithfully



**Sylvia Maluleke**  
Investment Recovery  
Procurement & Supply Chain Management

**ENQUIRY NO:** OLT2109355  
**CLOSING DATE:** 20 March 2024  
**CONTACT PERSON:** Sylvia Maluleke  
**Email:** [malulesw@eskom.co.za](mailto:malulesw@eskom.co.za)

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

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

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

**OFFER SUBMITTED BY - NAME : .....SIGNATURE:.....**

**Date: ..... CELL: ..... E-mail.....**

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

**BUSINESS NAME:.....CSD NUMBER:.....**

**BUSINESS ADDRESS:.....**

**TEL:.....**

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## ANNEXURE A: SBD4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

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

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

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

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

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### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

|                    |                         |
|--------------------|-------------------------|
| .....<br>Signature | .....<br>Date           |
| .....<br>Position  | .....<br>Name of bidder |

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

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## ANNEXURE B: OFFER TO PURCHASE FORM

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices.

For each disposal transaction the rand price will be calculated by multiplying the recent price of the applicable ITAC (International Trade Administration Commission South Africa) code, the quoted price percentage of ITAC metal bulletin and the weight as per the weighbridge slip excl VAT.

**The below three ITAC price categories will apply for Transmission and Generation**

| ITEM NO | DESCRIPTION                | ITAC Code  | OFFERED PRICE<br>PERCENTAGE OF ITAC METAL<br>BULLETIN<br>(% excluding VAT) |
|---------|----------------------------|------------|--|
| 1       | Sub grade Steel            | <b>215</b> |  |
| 2       | Heavy steel scrap          | <b>201</b> |  |
| 3       | Contaminated / Mixed Scrap | <b>280</b> |  |

For Distribution only the mixed scrap category will apply as follows:

| ITEM NO | DESCRIPTION                | ITAC Code  | OFFERED PRICE<br>PERCENTAGE OF ITAC METAL<br>BULLETIN<br>(% excluding VAT) |
|---------|----------------------------|------------|--|
| 1       | Contaminated / Mixed Scrap | <b>201</b> |  |

**Note : The table above must be completed full and return with the offer on the closing date of the RFQ**

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

#### **DECLARATION OF INTEREST**

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

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

#### **1.a juristic person is “related” to another juristic person if:-**

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the

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tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration. \_\_\_\_\_
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

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## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

| Item  | Question   | Yes | No |
|-------|--|-----|----|
| 1.1   | <p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p> |     |    |
| 1.2   | <p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>  |     |    |
| 1.3   | Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?   |     |    |
| 1.3.1 | Provide details.   |     |    |
| 1.4   | Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution  |     |    |

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|     |   |  |  |
|-----|---|--|--|
| 1.5 | Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC? |  |  |
|-----|---|--|--|

### 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned \_\_\_\_\_ [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 in \_\_\_\_\_ [Name of Tenderer]:

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

#### Individuals:

| Full Name | Identity Number | Shareholding Percentage |
|-----------|-----------------|-------------------------|
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |

#### Other Entities\*:

| Full Legal / Trading Name | Registration Number/Trust Number | Shareholding Percentage | Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity | Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity |
|---------------------------|----------------------------------|-------------------------|--|---|
|                           |                                  |                         |  |   |
|                           |                                  |                         |  |   |
|                           |                                  |                         |  |   |
|                           |                                  |                         |  |   |

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

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

|  |  |
|--|--|
| <b>Signature:</b>                                |  |
| <b>Designation and capacity in which signing</b> |  |
| <b>Date:</b>                                     |  |

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### **Joint Ventures**

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

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

|  |  |
|--|--|
| <b>Signature:</b>                                |  |
| <b>Designation and capacity in which signing</b> |  |
| <b>Date:</b>                                     |  |

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

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## ANNEXURE D: AUTHORITY TO SUBMIT A TENDER

Indicate the status of the *tenderer* by ticking the appropriate box hereunder. The *tenderer* must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company or organisation document which provides the same information for the relevant category as requested here.

|                      |                                    |                          |                            |                                  |
|----------------------|------------------------------------|--------------------------|----------------------------|----------------------------------|
| <b>A<br/>COMPANY</b> | <b>B<br/>CLOSE<br/>CORPORATION</b> | <b>C<br/>PARTNERSHIP</b> | <b>D<br/>JOINT VENTURE</b> | <b>E<br/>SOLE<br/>PROPRIETOR</b> |
|                      |                                    |                          |                            |                                  |

### A. Certificate for company

I, ....., chairperson of the board of directors of ....., hereby confirm that by resolution of the board taken on ..... (date), Mr/Ms ....., acting in the capacity of ....., was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

|                |   |
|----------------|---|
| <b>Signed:</b> | <b>Date:</b>  |
| <b>Name:</b>   | <b>Position:</b><br><b>(Chairman of the Board of Directors)</b> |

### B. Certificate for close corporation

I, ....., member of ....., hereby confirm that by majority vote of the members taken on ..... (date), Mr/Ms ....., acting in the capacity of ....., was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

|                |                                     |
|----------------|-------------------------------------|
| <b>Signed:</b> | <b>Date:</b>                        |
| <b>Name:</b>   | <b>Position:</b><br><b>(Member)</b> |

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### C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as ..... hereby authorise Mr/Ms ....., acting in the capacity of ....., to sign all documents in connection with the tender offer for Contract ..... and any contract resulting from it on our behalf.

| Name | Address | Signature | Date |
|------|---------|-----------|------|
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |

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

### 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 the company ....., acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract ..... and any contract resulting from it on our behalf.

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

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

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| Name of firm | Address | Authorising signature, name and capacity |
|--------------|---------|--|
| Lead partner |         |  |
|              |         |  |
|              |         |  |
|              |         |  |

### E. Certificate for sole proprietor

I, ....., hereby confirm that I am the sole owner of the business trading as  
.....

|                |  |
|----------------|--|
| <b>Signed:</b> | <b>Date:</b>                                 |
| <b>Name:</b>   | <b>Position:</b><br><b>(Sole Proprietor)</b> |

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## ANNEXURE E: SAFETY REQUIREMENTS

| <u>Ref</u> | <u>Eskom Health and Safety Requirements Checklist</u>  | <u>Proof Required</u> |           |
|------------|--|-----------------------|-----------|
|            |  | <u>Yes</u>            | <u>No</u> |
| <b>A</b>   | <b>OHS Legal Requirements to be met by Contractors at Execution Stage</b>  |                       |           |
| 1.         | <b>1. Registration with South African Police Services</b> <ul style="list-style-type: none"> <li>Proof of registration as Second-hand dealer</li> </ul>  | ✓                     |           |
|            | <ul style="list-style-type: none"> <li>Proof of registration as Recycler</li> </ul>  | ✓                     |           |
| 2.         | <b>Acknowledgement of Eskom's SHE rules,</b><br>Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B). Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory | ✓                     |           |
| 3.         | <b>SHE Competency; proof of the following training certificates.</b> <ul style="list-style-type: none"> <li>First aid level 2,</li> <li>Risk Assessor</li> </ul>   | ✓                     |           |
| 4.         | <b>OHS Legal Appointment letters for the following persons</b> <ul style="list-style-type: none"> <li>First aid level 2,</li> <li>Risk Assessor</li> </ul>   | ✓                     |           |
| 5.         | <b>Occupational, Health and Safety Plan (OHS Plan)</b> <ul style="list-style-type: none"> <li>This must be relevant to the Scope of work.</li> </ul>   | ✓                     |           |
| 6.         | <b>Health and Safety Policy signed by the CEO or MD,</b> <ul style="list-style-type: none"> <li>Company Health and safety Policy signed by CEO or MD. The health and safety policy statement must be actionable.</li> </ul>            | ✓                     |           |
| 7.         | <b>Occupational Health programme</b> <ul style="list-style-type: none"> <li>Valid Medical Fitness Certificate for all involved employees issued by the Occupational Medical Health Services/practitioner.</li> </ul>                   | ✓                     |           |
| 8.         | <b>Substance Abuse Management</b>  | ✓                     |           |

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| <b>Ref</b> | <b><u>Eskom Health and Safety Requirements Checklist</u></b>   | <b><u>Proof Required</u></b> |                  |
|------------|--|------------------------------|------------------|
|            |  | <b><u>Yes</u></b>            | <b><u>No</u></b> |
|            | <ul style="list-style-type: none"> <li>Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours</li> </ul>   |                              |                  |
| <b>9.</b>  | <b>Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA,</b> <ul style="list-style-type: none"> <li>Your COID must depict the correct/ relevant nature of business, e.g. Scrap Metal Dealer etc. Copy must be certified not older than 3 months at the date and time of the tender closing</li> </ul> | ✓                            |                  |
| <b>10.</b> | <b>Baseline Risk Assessment</b> <ul style="list-style-type: none"> <li>Risk assessment should address all activities involved in collecting scraps.)</li> </ul>  | ✓                            |                  |

## ANNEXURE F: ENVIRONMENTAL REQUIREMENTS

| <b>Number</b> | <b>Environmental Management System (EMS) Requirements</b> |  |
|---------------|---|--|
| <b>1.</b>     | <b>Environmental Policy</b>                               | Environmental policy signed by top management (CEO / managing director), dated and version controlled.<br>Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.       |
| <b>2.</b>     | <b>Emergency preparedness plan (EPP)</b>                  | Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details  |
| <b>3.</b>     | <b>Waste Management strategy/Plan</b>                     | Waste management plan on how waste collected/bought will be Handled, Stored, Transported, Recycled, Reused will be managed.<br>Note: Parts of the scraps that will be disposed should be done at licenced Municipal landfill sites |

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## ANNEXURE G:

### TECHNICAL EVALUATION CRITERIA

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

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

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

Questions – Evaluation of a Scrap Dealer

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

**Scrap Dealer's Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

|  | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|
| Company Documentation                                |   |   |   |   |   |
| Vat / Tax Certificate                                |   |   |   |   |   |
| Registration at any relevant industry                |   |   |   |   |   |
| Second Hand Act Registration for scrap or recycling. |   |   |   |   |   |
| Safety Policy  |   |   |   |   |   |
| Environmental Policy                                 |   |   |   |   |   |
| Safety File  |   |   |   |   |   |
| Coida  |   |   |   |   |   |
| Site/ Yard Cleanliness                               |   |   |   |   |   |
| Oil spills Kit                                       |   |   |   |   |   |
| Suitable Fire Fighting Equipment                     |   |   |   |   |   |
| Hazardous & Non-Hazardous separated                  |   |   |   |   |   |
| PPE  |   |   |   |   |   |

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|                               |  |  |  |  |      |
|-------------------------------|--|--|--|--|------|
| Security                      |  |  |  |  |      |
| Storage facilities            |  |  |  |  |      |
| Dismantling & Demolition      |  |  |  |  |      |
| Machinery/plant               |  |  |  |  |      |
| Type of trucks                |  |  |  |  |      |
| Number of Trucks              |  |  |  |  |      |
| Do they process or agent only |  |  |  |  |      |
| Do they buy off the street    |  |  |  |  |      |
| Total                         |  |  |  |  | 100% |

Comments: \_\_\_\_\_

\_\_\_\_\_

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**ANNEXURE H**

**SECTION 37(2) AGREEMENT**

**CONCLUDED BETWEEN**

*Eskom Holdings SOC Limited*

**AND**

.....

**(Name of contractor/supplier)**

I, .....[(insert name of person representing contractor/supplier company)representing ..... [insert name of contractor/supplier], do hereby acknowledge that ..... [insert name of contractor/supplier] is an employer in his/her own right, with duties as prescribed in the Occupational Health and Safety Act No. 85 of 1993 (“the Act”), as amended, and agree to ensure that all work will be performed and/or machinery or plant used in accordance with the provisions of the Act.

I undertake that ..... [insert name of contractor/supplier] shall strictly adhere to, and ensure that his/her employees adhere to, the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

I have been provided with SHE specifications for project/service .....[insert brief details of project/service, for example, name, contract/project number] ..... and will comply with the requirements set out in these.

I accept and agree that the SHE specifications constitute arrangements and procedures between ..... (insert name of contractor/supplier) and [insert name of subsidiary or Eskom Holdings SOC Limited] which will ensure compliance by ..... [insert name of contractor/supplier] with the provisions of the Act, as contemplated in section 37(2) of the Act.

This agreement constitutes the sole agreement between the parties, and no variation, modification, or waiver of any of the provisions of this agreement or consent to any departure from these shall, in any manner, be of any force or effect, unless confirmed in writing and signed by both parties, and such variation, modification, waiver, or consent shall be effective only in the specific instance and for the specific purpose and to the extent for which it was made or given.  
This agreement is signed on behalf of the parties, each signatory to this warranting that he/she has the requisite authority to do so.

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Signed this ..... day of ..... 20 ..... at

..... (*Place*)

(*Full Name*)..... (*Signature*) .....on

behalf of ..... (**Contractor/supplier**)

**Contractor Responsible Manager** (*responsible for signing the contract on behalf of the contractor/supplier*)

Witnesses

1. ....

2. ....

Signed this ..... day of ..... 20 ..... at ..... (*Place*)

(*Full name*)..... (*Signature*) ..... on

behalf of [insert name of subsidiary or Eskom Holdings SOC Limited]

**(Contracts and/or Project Manager or Representative)**

Witnesses

1. ....

2. ....

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