

Tenderer's SD & L Undertaking

Design, manufacture, test, supply, delivery, off-loading, installation, commissioning and training of the 11kV, 22kV and 33kV Outdoor Air-Insulated Medium Voltage (MV) Circuit Breakers with Combined Current Transformers (CT's) and Control Gear (AIS) and 11kV, 22kV and 33kV Medium Voltage (MV) Kiosk Circuit Breaker (Kiosk) for Distribution Division.

The tenderer is required to complete this undertaking and submit the completed form as a tender returnable to Eskom prior to contract award. Eskom reserves the right to negotiate with the tenderer the requirements below, and the outcome thereof will form part of the contract obligations

Supplier Development & Localisation's mandate is to achieve maximum and sustainable local development impact through leveraging Eskom's procurement spend in a manner that allows flexibility within the business in order to accommodate government local development initiatives and policies. This shall be achieved by positively influencing the following KPI's: Local Content, Skills Development, Supplier Development, Job Creation and Industrialization. As a State-Owned Enterprise, Eskom is increasingly utilised as a front-line implementation channel for the concept of a "Developmental State" as such the following strategy shall apply.

Note: "Eskom reserves the right to award to a supplier who may not be the highest scoring or highest ranked supplier, in line with Section (2) (1) (f) of the PPPFA."

EVALUATION CRITERIA**1. Prequalification**

Only tenderers that are B-BBEE level 1 to 4 are eligible to tender in accordance with paragraph 4(1)(a) and 4(2) of the PPPFA regulations 2017.

Tender Returnable requirements are as follows;

- Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or
- Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR
- Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or
- Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or
- For JV's only valid original or certified copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV.

Failure on the part of the tenderer to submit "proof of B-BBEE status level of contributor" for purposes of evaluation by the tender closing will result in **disqualification**.

Additional documents to be submitted:

- CIPC Documents
- Certified copy of Shareholders certificate for Pty Ltd entities
- Certified copy of identity document of either (Director/Owner/Member)

General Information on Validity of Sworn Affidavits

The following must be considered when it comes to validity of Affidavits;

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year-end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

2. Local to site

2.1 Skills Development

Skills development candidates should be currently unemployed graduates from TVET Colleges and universities and/or matriculants. The composition of the candidates shall be representative of the population demographics of South Africa. The supplier will be provided with the list of skills as per respective discipline to choose from, this will mean this supplier will train candidate with skill type that is relevant to their area of expertise.

Tenderers are required to propose against the following training initiatives.

Category	Eskom Target	Tenderer Proposal
Engineer	5	
Inspector	2	
Artisan	9	
Technician	9	
Draughtsman	3	
Total	28	



2.2 Subcontracting and local procurement

Subcontracting

- The minimum subcontracting is 30% of the contract value – Local content
- The subcontracting of this procurement expenditure shall be to Black Owned (BO) EMEs and QSEs
- Tenderers are required to submit proposals to subcontract part of the scope of work to designated groups.

Local procurement spend

Eskom Target	Tenderer Proposal
25%	

3. Jobs

The tenderers shall indicate the number of new jobs created as a direct result of being awarded this contract. The tenderers shall also confirm and record in Figure 2 the number of jobs retained as a direct result of this contract.

4. Monitoring and Reporting

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

Every contract shall be accompanied by the SD&L implementation schedule which must be completed by the suppliers and returned to SD&L representative for acceptance **before** contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SD&L commitments.

5. National Industrial Participation Programme (NIPP)

- The Industrial Participation is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilizing the instrument of government procurement. The NIP programme is mandatory on all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding US\$5 million.



- The programme is targeted at the South African industries, enterprises, and suppliers of goods and services to government / parastatals, where the imported content of such goods and services equals to or exceeds US\$5 million. The first customer of NIP is the South African industry that benefit through the NIP business plans which, when implemented generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, R & D and technology transfer.
- Companies with a NIPP obligation are required to sign the obligation agreement with The Department of Trade, Industry and Competition (the DTIC) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the DTIC and supplier. It defines the NIPP obligation value/s, requirements to fulfil the NIPP obligation, performance milestones, performance monitoring processes and the NIPP credit allocation criteria.

NB: All tenders with an import content that is equal to or exceeds the threshold of US\$5 million, compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the DTIC before signing the contract with Eskom.”

Declaration:

Based on the terms laid out above, we (Company Name)

ACCEPT	
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REJECT	
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Respondent's Signature

Date