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ESKOM HOLDINGS SOC LTD


INVITATION TO TENDER

FOR

**CONSTRUCTION OF THE ASH DAM 1 (AD1) AND REHABILITATION DAM (RD1)
ON THE ASH DAM PHASE 1 AT MAUBA POWER STATION**

Tender number	MPMAJ10127PS
Issue date	25 February 2022
Closing date and time	31 May 2022 at 10:00
Tender validity period	90 days from the closing date and time
Compulsory Clarification meeting	<p>10 March at 10:30 for 11:00 Majuba Power Station Ben Steyn Auditorium</p> <p><i>Tenderers must confirm their intention to attend with the Eskom Representative by 05 March 2022 stating the name, ID number, position, and contact details of each proposed attendee to arrange for gate access.</i></p> <p>Tenderers are urged to bring their own PPE, i.e., COVID 19 Compliant Face Masks/ Face Shields, hard hats with chin strap, safety boots, safety goggles, overalls, ear protection and reflector vests/jackets.</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	The Tender Office 10 Smuts Avenue Witbank, 1035

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the construction of the ash dam 1 (AD1) and Rehabilitation Dam 1 (RD1) for the Continuous Ash Disposal Facility (ADF) (Phase 1) at Majuba Power Station.

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

- a) Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

Queries relating to these Invitation documents may be addressed to the Eskom *Representative*.

Yours faithfully




Procurement Manager

Pamela Cele

Date: 24 February 2022


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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	Acknowledgement form	Annexure A	Y
6.2	Tenderer's particulars	Annexure B	Y
6.3	Integrity Declaration Form (Refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	Y Y Y Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.9	SDL&I Undertaking	Annexure I	Y


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


Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Audrey Walters Tel: 081 511 7161 E-mail: Waltera@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MPMAJ10127PS</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender is:</p> <p>1. An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure like a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <p>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also</p>

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	<p>apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</p> <ol style="list-style-type: none"> 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: <ol style="list-style-type: none"> 1. (a) they have a controlling partner/majority shareholder in common; or 2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer or influence the decisions of the Employer regarding this bidding process. 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:</p> <p>Date: 31 May 2022 Time: 10:00</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Holdings SOC Limited</p>

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	10 Smuts Avenue, Witbank, 1035
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>The Tender Officer will verify that the tender submission contains an original and a hard copy of the original, as required in the Standard Conditions of Tender and Tender Data.</p> <p>Eskom also requires that one (1) additional complete soft copy of the original tender is submitted in electronic format USB only (No CD's). It must be noted that where soft or electronic copies of submissions are requested, it must be in addition to the original printed documentation.</p> <p>Suppliers will not be disqualified if they failed to submit electronic soft copies of the tender.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> <p>The tender must be split into Commercial, SHEQ and Technical files for evaluation purposes.</p>
2.13 Tender Validity Period	The tender validity period is 12 weeks
2.16 Site/clarification meetings	<p>A compulsory clarification meeting/site visit with representatives of the <i>Employer</i> will take place as follows:</p> <p> Date: 10 March 2022 Time: 10:30 for 11:00 Venue: Ben Steyn Auditorium, Majuba Power Station </p> <p>A plant walk with representatives of the Employer will take place following the clarification meeting.</p> <p><i>Tenderers</i> must ensure that relevant experts attend the meeting.</p> <p>Ensure punctual attendance.</p>

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	<p>Tenderers must ensure they sign the attendance register and complete it in a legible manner to ensure that attendance is recorded.</p> <p><i>Tenderers must confirm their intention to attend with the Eskom Representative by 05 March 2022 stating the name, position, and contact details of each proposed attendee in order to arrange for site access.</i></p> <p><i>Tenderers are responsible for the relevant PPE i.e., COVID 19 Compliant Face Masks/ Face Shields, hard hats with chin strap, safety boots, safety goggles, overalls, ear protection and reflector vests/jackets.</i></p> <p>No cameras/photos are allowed to be taken on site.</p> <p>Attendance will be limited to <u>three representatives</u> per tenderer.</p> <p>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 20 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not <i>allowed</i> .
2.25 Conditions of contract	The conditions of contract will be the NEC3 ECC with Main Option B (Priced contract with Bill of quantities) .
2.31 Provision of security for performance	<p>If security for performance (e.g., Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender. Refer to the list of acceptable guarantors.</p> <p>The following bonds are required for this enquiry: -</p> <ol style="list-style-type: none"> Performance Bond

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3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.					
3.5 Prices to be read out	Prices <i>will not be read out.</i>					
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none">1. Meet the eligibility criteria for a tenderer2. Submit one (1) hard copy of the original tender to Eskom3. Submit a complete original tender with commercial, financial and technical information4. Submission of the mandatory commercial tender returnables as at stipulated deadlines.5. Central Supplier Database (CSD) number (MAA.....)6. Only those tenderers who are registered with the cidb, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a 8CE (Civil Engineering works (Infrastructure)) class of construction work, are eligible to have their tenders evaluated					
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.</p> <p><u>Refer to the list of Tender Returnables</u> for the mandatory returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award, although still required for evaluation.</p>					
3.11 Pre-qualification criteria	Pre-qualification criteria are not applicable.					
3.12 Designated materials and thresholds	<p>Designated material thresholds <i>are applicable.</i></p> <table><tr><th>Description of services, works or goods</th><th>Stipulated minimum threshold</th></tr><tr><td> </td><td> </td></tr></table>		Description of services, works or goods	Stipulated minimum threshold		
Description of services, works or goods	Stipulated minimum threshold					

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	Steel Products and Components for construction	100%
	Cement	100%
	Textiles, clothing, leather, and footwear (which includes Personal Protective Equipment (PPE))	100%
	Plastic piping - High density polyethylene (HDPE)	100%
<p><u>The tenderer must complete, sign, and submit Annexure F1-F2 hereto as mandatory evidence of compliance with this requirement.</u></p> <p><u>(Please refer to the Guidance Notes on how to complete Annex C, D and E)</u></p> <ol style="list-style-type: none"> 1. F1 - Form SBD 6.2 (Declaration Certificate for Local Production and Local Content); and 2. F2 - Annexure C (Local Content Declaration - Summary Schedule) <p>The DTI has appointed the SABS as the official verification agency for local content in terms of designated products. The tenderer must make provision for the verification costs which are payable directly to the SABS.</p> <p>NB: If the quantity of materials and/or products required cannot be wholly sourced from South African based manufacturers and/or at the designated local content threshold at any time, bidders should obtain written approval from the dtic to supply the remaining portion at a lower local content threshold and <u>submit the exemption letter as proof of exemption with their tender submissions.</u></p> <p>In an event that tenderer(s) cannot obtain all required material from the local market (South Africa), such tenderer(s) shall apply for exemption at DTI</p> <p>The turn-around time for processing of authorisation requests is 5 working days from the date of receipt. Therefore, such applications should reach the dtic at least five days before closing date and time of bid.</p>		

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	<p>Failure to achieve the stipulated minimum threshold for local production and content and submit the above-mentioned mandatory returnables will result in a disqualification from further evaluation.</p>												
3.13 Functionality requirements	<p>Functionality requirements <i>are applicable</i>.</p> <p>Refer to section 1.4 Functionality criteria for technical scoring for mandatory and qualitative technical evaluation criteria.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>The evaluation scores will be weighted as follows according to disciplines:</p> <table border="1"> <tr> <th colspan="2">Engineering (90%)</th></tr> <tr> <td>Civil</td><td>90%</td></tr> <tr> <th colspan="2">Project Controls (10%)</th></tr> <tr> <td>Project Controls</td><td>10%</td></tr> <tr> <td colspan="2">Total 100%</td></tr> <tr> <td colspan="2">Overall minimum threshold for qualification (70%)</td></tr> </table> <p>Functionality will be evaluated on a total weight of 100%. A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications and Employer's requirements. Tenderers need to have a weighted score of 70% overall or more to qualify for further evaluation.</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>	Engineering (90%)		Civil	90%	Project Controls (10%)		Project Controls	10%	Total 100%		Overall minimum threshold for qualification (70%)	
Engineering (90%)													
Civil	90%												
Project Controls (10%)													
Project Controls	10%												
Total 100%													
Overall minimum threshold for qualification (70%)													
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> Inclusive of VAT Making the specified correction for arithmetical errors Excluding contingencies in any bill of quantities or activity schedule. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if 												

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	<p>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.</p> <ol style="list-style-type: none"> 1. Unconditional discounts must be taken into account for evaluation purposes. 2. Conditional discounts must not be considered for evaluation purposes but should be implemented when payment is affected. <p>Prices will be scored out of 90 points</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified. The tenderer will, however, be awarded 90 points for price and will score 0 points for B-BBEE level / status (out of 10)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: -</p> <ol style="list-style-type: none"> 1. 90/10 (for estimated values above R50M inclusive of VAT) <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria	<p>Objective criteria <i>are not applicable.</i></p>
Contractual Requirements	<p>Contractual Requirements include the following:</p> <ol style="list-style-type: none"> 1. Financial analysis, SHEQ, SDL&I and due diligence. <p>Please Note:</p> <p>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer can meet the contractual requirements, must be submitted prior to contract award.</p>

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	<p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>If there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
<p>CIDB Requirements (where applicable for Engineering and Construction Works Contracts)</p>	<p>CIDB Requirements <i>are applicable.</i></p> <ol style="list-style-type: none"> 1. It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of of 8CE (Civil Engineering Works). 2. Joint ventures are eligible to submit tenders provided that:- <ol style="list-style-type: none"> 1. every member of the Joint venture (JV) is registered with the CIDB. 2. the lead partner has a contractor grading designation of 8CE (Civil Engineering Works) class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status. 3. the combined contractor grading designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a Civil Engineering class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIDB Regulations <p>Please note:</p> <p>Only those tenderers who are registered with the CIDB or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25 (7A) of the Construction Industry Development</p>


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	<p>Regulations, for a civil engineering class of construction work, are eligible to have their tenders evaluated.</p> <p>Employer (Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.</p> <p>The CIDB Standard for Developing Skills through Infrastructure Contracts Gazette Notice No.43495 of 3 July 2020 is applicable to this project</p> <p>Note: In the case of the Standard there are no returnable documents notwithstanding the Employer shall provide the proforma documents that shall be completed by the contractors after award of the contract within the stipulated period. (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)</p> <p>The CIDB Standard for Indirect Targeting for Enterprise Development through Construction works Contracts Gazette Notice No.36190 of 25 February 2013 will apply to this project.</p> <p>Note: In the case of Indirect Targeting Standard there are no returnable documents notwithstanding the Employer shall provide the proforma documents that shall be completed by the contractors after award of the contract within the stipulated period. (i.e., Project Interim Report, Project Completion Report and Declaration) The proforma documents are provided in the tender data for information purposes only.</p> <p>The implementation date for Developing Skills Through infrastructure contracts, for professional service or service contract or an order issued in terms of such a contract is 01 April 2021. Refer to CIDB Best Practice Project Assessment Scheme Gazette Notice No.43726 of 18 September 2020.</p>
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Please note:

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


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

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

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

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

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1.2 **TENDER RETURNABLES**

The tenderer must submit the returnables set out hereunder as part of its tender.

Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.


Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	One (1) hard copy of the tender	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars		✓
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA (IG) for imported goods/services (if applicable)		N/A
Annexure F1-F2	Form SBD 6.2 (Declaration Certificate for Local Production and Local Content); and Annexure C (Local Content Declaration - Summary Schedule) – excel spreadsheet	✓	
Annexure F3-F4	Annexures D and E – excel spreadsheet		✓
Annexure G	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I	Supplier Development, & Localisation and Industrialisation (SDL&I)		✓
**“proof of B-BBEE status level of contributor” means:-	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in		✓

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

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
	(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act. (as may be applicable for the particular tendering entity)		
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
CIDB	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	✓	
Shareholding	Company registration documents. Shareholding organogram and detailed breakdown (for each individual company or JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
NEC Documentation Contract Data - Part two - Data provided by the Contractor	Completed C1.2 Contract Data - Part two - Data provided by the <i>Contractor</i>	✓	
Pricing Schedule C2.2 BOQ	Refer to C2.1 Pricing assumptions Option B and complete BOQ (in Excel)	✓	
CSD	CSD printout (recent printout)	✓	
Skills development Skills development is mandatory in the case of an engineering and construction works contracts that have a duration of >12 months and a contract amount > R60M as per the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 03 July 2020 (Board Notice 363 of 2020, Government Gazette 43495) ("the CIDB Skills Standard").	<p>In the case of the Standard there are no tender returnables in relation to skills development. However, Eskom has included proposed targets/skills in Annexure I.</p> <p>These skills are a guideline. The actual skills/trade type may be negotiated. However, expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIDB CSDG is a Condition for Contract Award.</p> <p>The actual skills/trade type may be negotiated. The tenderers are free to propose any other relevant Skills Development that will be feasible and benefit the previously disadvantaged communities. This may even include Workplace Integrated Learning (WIL) from the TVET Colleges around local District Municipality.</p>		✓
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for		✓

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
	<p>verification by Eskom and/or their CSD profile / CSD number).</p> <p>Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B-section 2 of the SBD 1 document and relevant legislation governing tax compliance.</p>		

1.3 CONTRACTUAL REQUIREMENTS

DOCUMENTS REQUIRED FOR SAFETY		
Item	Returnables	Required for evaluation and mandatory for contract award
1.	Annexure B The acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer.	✓
2.	Health and Safety Plan (specific to scope of work) 1. A site, activity, or project documented plan in accordance with the client's OHS specification or requirements. The plan must be scope	✓


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DOCUMENTS REQUIRED FOR SAFETY

	or project based and must address the project /scope of work OHS risk(s). The plan must reflect an organised system (method statements, processes, resources etc..) which the supplier will comply with and enforce to manage the OHS risk during the lifecycle of the project. This can also be in the form of an OHS manual.	
3.	Baseline OHS Risk Assessment (BRA) Identification, assessment, and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA.	✓
4.	Valid Letter of Good Standing (COIDA or equivalent) Registration with the Compensation Commissioner (COID) or a licensed mutual company or an equivalent of it (for international bidders). If a company has only one employee (CEO, owner), the supplier shall submit an insurance letter that covers accidental death and disability to the value of R500 000 as a minimum. Submit a letter of good standing with the Compensation Fund or with a licensed compensation insurer. Note: For international suppliers, the equivalent from the country of origin of the supplier. For a supplier whose country does not issue such certificate equivalent to COID, the relevant legislation must be submitted. However, if the supplier has offices in South Africa and has employed South African citizens, a COID certificate must be submitted.	✓
5.	OHS policy signed by CEO (The submitted policy must comply to OHS Act Section 7 and ISO 45001:2018) A statement of intention by the employer, which provides a framework for setting OHS objectives to improve OHS performance and emphasises management commitment to employees' wellbeing and duty of care to the environment.	✓
6.	OHS Competency (Consider scope of work, risks, OHS plan and applicability) The SHE Legal Organisational structure with competency Certificates. (Minimum requirements for Safety Officer: National Diploma in Safety/Environmental management course, and with SACPCMP proof of registration) Submit: 1. OHS Organogram (showing reporting structure from top management to bottom level).	✓


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	2. CV's and qualifications/certificates of Safety professional as per the organogram (<i>Safety practitioners meeting the above requirements</i>).	
7.	Costing for OHS management (Allocation for Occupational Health and Safety Compliance) OHS costing must reflect the amount of funds that will be allocated for OHS when the project commences (This is a breakdown of the bulk OHS costing in the bill of quantities) and it should be based on the overall scope of work/service and the associated risk. The items to be included are not limited to the following: PPE, OHS training, OHS professionals, First aid equipment, Ablution facilities, Safety signs, safety campaigns or interventions, OHS equipment/instruments, Medical examinations, Covid-19 compliance, etc. 1. The scope of work and the risk assessment may serve as a guideline. The cost should be broken down and not provided as a lump sum.	✓
8.	Covid-19 Management Plan Documented plan or procedure outlining how the organisation will manage Covid-19 on site. Plan must address the workplace protective measures as per Government directives and guidelines. (Plan must be based on the risk assessment conducted)	✓
9.	Covid-19 Risk assessment Identification, assessment, and management of Covid-19 risks associated with the scope of work.	✓
10.	Traffic Management Plan (TMP) and Fatigue Management plan Documented plan/procedure on how the organisation manages traffic, vehicles, and construction machinery/equipment on site. (After accessing site, TMP to be customised to be site specific before commencement of works).	✓
	NB! Also consider the Client's Non-Negotiable Safety, Health and Environmental returnable listed in Annexure A & B of the SHE Specification.	✓

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DOCUMENTS REQUIRED FOR ENVIRONMENTAL

Item	Returnables	Required for evaluation and mandatory for contract award
1.	ISO 14001 Environmental Management Standard certificate; where certified, but compliance to ISO standards will be enforced.	✓
2.	<p>Environmental Management Plan for the scope of work addressing the following as a minimum:</p> <ol style="list-style-type: none"> 1. Waste management (reduction, re-use, recycling, disposal). 2. Detailed laydown area plan. 3. Water management. 4. Storm water management. 5. Handling and Storage of hazardous substance. 6. Environmental incident management. 7. Environmental management structure within the Company: Professional. 8. Approach to ensuring compliance with environmental compliance obligations. 9. Environmental competency, training, appointments. 10. Environmental communication and awareness. 11. Dust suppression. 12. Alien vegetation control. 13. Rehabilitation plan. 	✓
3.	<p>Environmental Competency:</p> <p>National Diploma, B Tech or BSc in Environmental Management (3 years or more construction experience); ISO 14001 Development, Implementation and Auditing Certificate; All applicable Environmental Legislation; Environmental Incident Legislation.</p> <ol style="list-style-type: none"> 1. Nature conservation training. 2. Animal Studies. 3. Conservation Ecology. 4. Conservation. 5. Conservation Administration. 6. Conservation Resource Management. 7. Ethical Information and Communication Technologies for Development Solutions. 8. Fundamentals of Conversation. 9. Plant Studies. 10. Soil Science. 11. Ecological Management Plan. 	✓


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	12. Environmental Awareness and Responsibilities. 13. Environmental Authorization Training. 14. Water Use License Training. (Consider scope of work, risks, Environmental Management Plan, and applicability) CV's and qualifications / certificates e.g. 1. Environmental Officer Incident investigator(s)	
4.	Costing for Environmental Management: Submit detailed costing (the cost should be broken down not provided as a lump sum e.g., Rehabilitation, Waste Management should be included) for environmental management related to the overall scope of work/service to be performed.	✓
5.	Contractor Environmental Requirements for Suppliers and Contractors Proforma - Annexure B (signed)	✓
6.	Identification of Environmental Aspects and Impacts: Identification, assessment, and control of activities that have or may have an impact on the environment. The methodology used must be provided together with the identified activities (if applicable) based on the scope of work that have an impact on the environment and the controls that will be in place in contract execution.	✓
7.	Environmental Competency: National Diploma, B Tech or BSc in Environmental Management (3 years or more construction experience); ISO 14001 Development, Implementation and Auditing Certificate; All applicable Environmental Legislation; Environmental Incident Legislation. 2. Nature conservation training. 3. Animal Studies. 4. Conservation Ecology. 5. Conservation. 6. Conservation Administration. 7. Conservation Resource Management. 8. Ethical Information and Communication Technologies for Development Solutions. 9. Fundamentals of Conversation. 10. Plant Studies. 11. Soil Science. 12. Ecological Management Plan. 13. Environmental Awareness and Responsibilities. 14. Environmental Authorization Training. 15. Water Use License Training.	✓


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DOCUMENTS REQUIRED FOR ENVIRONMENTAL


	(Consider scope of work, risks, Environmental Management Plan, and applicability) CV's and qualifications / certificates e.g. 16. Environmental Officer 17. Incident investigator(s)	
--	--	--

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DOCUMENTS REQUIRED FOR QUALITY		
Reference	Returnables from supplier	Required for evaluation and mandatory for contract award
Quality Management System Requirements ISO 9001	Valid certification of Quality Management System by ISO accredited body. A.1 Product/Service Scoping on ISO 9001 certificate is defined and relevant to the proposed scope. A.2 Certificate by Approved and Authorized certification authority. A.3 Certification Authority has Recognized International Accreditation. A.4 Validity (expiry date) of certificate.	✓
SECTION B: Evidence of QMS in operation (Tender Quality Requirements Ref 240-105658000) -	B.1 Documented information for defined roles, responsibilities, and authorities. B.2 Documented information for Control of Externally Provided Processes, Products and Services. B.3 Latest Copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports). B.4 Latest copy of an external management system audit report (with nonconformity, correction and/or corrective action reports) B.5 Records of management review meetings (minutes, attendance register etc	✓
SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698	C.1 Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005). NB Draft Contract/Project Quality Plan has important QA deliverables.	✓
SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302) -	D.1 Example of QCP/Checklist/ITP (Quality Control Plan) on similar and /or previous work done.	✓

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SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000 and Form A 240-680995127)	E.1 Form A completed and signed.	✓
Reference	Returnables from supplier	
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.	✓

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1.4 **FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING**

The evaluation scores will be weighted as follows according to disciplines:

Engineering (90%)	
Civil	90%
Project Controls (10%)	
Project Controls	10%
Total 100%	
Overall minimum threshold for qualification (70%)	

Table 1: Mandatory Technical Evaluation 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 to establish if the criteria are met or not. Not meeting any criterion shall technically disqualify the tenderer and shall not be further evaluated against Qualitative Criteria.

Mandatory Technical Criteria Description	Tender Returnable
<p>Relevant experience (track record) — construction of Pollution Control Dams as the main contractor:</p> <ol style="list-style-type: none"> 1. Project name 2. Description of work performed 3. Project cost (only for scope performed) 4. Project start and end date 	<p>Submit project completion certificates with the following information, per reference plant:</p> <ol style="list-style-type: none"> 5. Contact Person 6. Contact Number 7. Project description 8. Construction period 9. Contract Value <p>The tenderer submits a list of traceable references which adequately proves that the tenderer has at least completed two (2) contracts successfully of similar scope in the last ten (10) years. Name, designation, and contact number of reference person.</p>


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Table 2: Qualitative Technical Evaluation Criteria


Qualitative Technical Evaluation Criteria are weighted evaluation criteria used to identify the highest technically ranked tenderer after determining that all the Mandatory Evaluation Criteria have been met. The Qualitative Evaluation Criteria are weighted to reflect the relevant importance of each criterion. The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.

A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications.

The technical criteria and weighting is broken down as follows:


	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
			90%	
1	Civil Engineering Criteria			
1.1	Availability of plant and equipment for execution of the project: A list of plant and equipment to be used to execute the work and the Tenderer to state the availability of the owned/ hired required plant and equipment as per the proposed key date schedule taking the start and end date into consideration	A list of plant and equipment to be used to execute the work and the Tenderer to state the availability of the owned/ hired required plant and equipment as per the proposed key date schedule taking the start and end date into consideration		35%
1.2	Key Resource Requirements: <ul style="list-style-type: none"> Demonstrate that the proposed key personnel have worked on similar projects. CVs for key personnel to be used on this project to be submitted. A site organogram structure to be submitted covering the full scope of work. 	Submission of CVs of key personnel which states that key resources have minimum of 10 years' experience in similar projects and demonstrate their availability with proof of professional registration		35%

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	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
	<ul style="list-style-type: none"> Demonstrate that each of the proposed key resources have a minimum of 10 years' experience, Demonstrate the availability of the proposed resources to meet the tenderer's proposed key dates, 			
1.3	<p>Construction Method Statement</p> <p>Compliance to the full scope of work and includes the following as a minimum:</p> <ul style="list-style-type: none"> Earthworks (excavations & backfill) Liner construction. Dam construction. Pipe works. 	<ul style="list-style-type: none"> A method statement providing details of the construction approach. A method statement providing details of compliance to the full scope. Construction approach must be aligned with the key dates. 		20%
2	Planning		10%	
2.1	The tenderer has provided a level 3 program in Primavera P6 (XER) or Microsoft Project (mpp) format, showing activities of all the project work to be done by the contractor, and the other work covered by the contract that is being done by the subcontractors (i.e., is the entire scope of the works represented?) The schedule is to be provided in Hardcopy Print-out and Soft Copy (Primavera P6 or MS Project)	Provision of a level 3 program in Primavera P6 or Microsoft Project (mpp) showing all activities		2%
2.2	The schedule shows a logical links / sequence / relationships	Provision of a level 3 program in Primavera P6 or Microsoft Project (mpp) showing all activities		2%


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	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
	that connect the various activities together.			
2.3	Schedule must show Links/logic, the CPM (Critical Path Method) technique used for programming and Planning.	Provision of a level 3 program in Primavera P6 or Microsoft Project (mpp) showing all activities		2%
2.4	The works is completed within accepted durations that are in consistence with key dates provided in the contract data. Milestone dates in line with key date/contract data shown on the schedule.	Provision of a level 3 program in Primavera P6 or Microsoft Project (mpp) showing all activities		2%
2.5	The program has in it, hold-points for approving of the works by the Employer's professional team (i.e., key milestones are incorporated into program).	Provision of a level 3 program in Primavera P6 or Microsoft Project (mpp) showing all activities		2%

Tenderers who do not meet the overall minimum threshold will not be evaluated further.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____
-
-

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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


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

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

Invitation to Tender No: _____

Name of company/JV: _____

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Country of registration_____

Name of contact person:_____


Contact details of contact person:

Tel (landline) _____

Cell phone_____

e-mail address_____

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ANNEXURE B

TENDERER'S PARTICULARS


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

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

Please complete the following:

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

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

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

- 2 If you are currently registered as a vendor with Eskom, please provide your vendor registration number with Eskom. _____
- 3 If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury _____

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

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

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

1. 8.1 Confirm if you intend sub-contracting

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

2. 8.2 What percentage will you be sub-contracting? _____%
3. 8.3 To whom do you intend sub-contracting? _____
4. 8.4 Is the said sub-contractor registered on CSD?

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


5. 8.5 If yes to 8.4, please provide CSD number. _____
6. 8.4 Please confirm B-BBEE level of said sub-contractor _____

7. 8.5 Which designated group does the sub-contractor belong to: -

1. Black people
2. Black people who are youth
3. Black people who are women
4. Black people with disabilities
5. Black people living in rural or underdeveloped areas or townships
6. Cooperatives which are 51% owned by Black people
7. Black people who are military veterans

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

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

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

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

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

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

- **Single tenderers**

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

Signature: _____

Designation: _____


Date: _____

- **Joint Ventures**

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


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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender returnable)

1. DECLARATION OF INTEREST

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


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

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”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or influence the decisions of Eskom regarding this bidding process.

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

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


- 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.

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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


A **tender** will be disqualified if the *tenderer/s*, or any of its directors have:
 and the institution's procurement process (e.g., bid rigging/collusion)
 nitted fraud or any other improper conduct in relation to such system.

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

Item	Question	Yes/No	No
1.1	<p>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[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].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
1.4	<p>Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		
1.5	<p>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?</p>		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	


Joint Ventures

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

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

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ANNEXURE D

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

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

1. APPLICATION OF CPA

1. CPA conditions may apply if the contractual duration is to be longer than 12 months.
2. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
3. For contracts with 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.
4. Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the prices being considered fixed.
5. Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
6. Local indices may not be used for CPA purposes for any imported component.
7. There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

1. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

1. The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g., industry) body in or for that country, e.g., BEAMA and MEPS.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.


3. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies, except in the case of professional services or consulting agreements.

4. BASE DATE

1. In instances of indices or other references published monthly, the Base Date is to be: *The month before the month in which the Enquiry closes*
2. In instances where the reference figures, e.g., market prices, are published daily or at more intervals than once a month:

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The average for the month before the month in which the Enquiry closes

1. In this case, the following shall apply:

1. Where the average is published:

*The average published price in the currency Eskom will be exposed to e.g.
The currency in which Eskom will affect payment*

2. Where a high, low, and mean are published:

The mean

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

The Cash Settlement or Cash Sellers Price

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

Signed

Date

Name


Position

Tenderer

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE E (Not applicable)

ESKOM REQUIREMENTS REGARDING PAYMENT FOREIGN GOODS AND SERVICES

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

Tenderers:

1. Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
2. Who are pricing for imported goods/services in a foreign currency, or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
3. Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
4. Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values of their submission?

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic, for example, transport costs will only be paid in Rands.

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

PART 1: PAYMENT OF FOREIGN COMMITMENTS


Payment of Eskom's foreign commitment in foreign currency will be made either:

Payment Method 1A:

To a nominated bank account in a foreign country in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

**Please note that the contracting party must be the direct importer of the goods
Applicable (Y / N)**

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Documentation to be submitted with payment:

1. Commercial invoice (from the foreign supplier)

Import payments

2. SAD 500.
3. Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise.
4. Customs release notification.
5. Transport documents from the freight company.
6. Marine/ ocean bill of lading.

Any one of the following documents as per the mode of transportation:

7. Airway bill / air transport document.
8. Road or rail consignment note.
9. Postal receipt "good despatched"
10. Certificate of posting.
11. Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic.

Service-related payments

Documents to submit with payment:

12. Commercial invoice (invoice from the overseas supplier)


Payment Method 1B:

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

Please note:

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

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Please Note:

If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:

1. Copy of your banker's initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into your nominated CFC account.
2. Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead.
3. Copy of the latest application to the Reserve Bank to renew the approval.
4. Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

Documents to submit with payment:

1. Commercial invoice (from the foreign supplier).
2. Local invoice or Tax invoice.
3. Both the commercial invoice and local invoices must match.

Import payments


1. SAD 500.
2. Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise.
3. Customs release notification.
4. Transport documents from the freight company.

Any of the following documents as per the mode of transportation

5. Marine/ ocean bill of lading
6. Airway bill / air transport document
7. Road or rail consignment note
8. Postal receipt
9. Certificate of posting
10. Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic

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Service-related payments

Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:

1. A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
2. A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.

This approval is only valid for a period of 1 year or as per SARB approval period.

Documents to submit with payment:

3. Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure).
4. Local Tax invoice (from the local supplier).
5. Both the commercial invoice and local invoices must match.

NB: If a supplier is unable to produce or provide us with a commercial invoice, the contract will be concluded in RAND's Not in Currency.

Applicable(Y/N) or


Payment Method 2:

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled will be for the account of the supplier.

Please note:

1. The contracting party must be the direct importer of the goods.
2. This payment option is not applicable for the payment of services.
3. Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
4. Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.

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Documents to submit with payment:

5. Commercial invoice (from the foreign supplier).
6. SAD 500.
7. Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise.
8. Customs release notification.
9. Transport documents from the freight company.

Any of the following documents as per the mode of transportation

10. Marine/ ocean bill of lading.
11. Airway bill / air transport document.
12. Road or rail consignment note.
13. Postal receipt.
14. Certificate of posting.
15. Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic.

16. local invoice or Tax invoice.

Applicable (Y/N)

Fixed ZAR pricing


This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

1. Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done in order to ensure that any exchange rate/s used is/are market related.
2. Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
1. Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

From a Commercial perspective, please take note of the following:

2. The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.

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3. The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
4. Due to the payments being made in ZAR based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

Documents to submit with payment

5. Commercial invoice (from the foreign supplier).
6. local invoice or Tax invoice.

Import payments

7. SAD 500.
8. Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise.
9. Customs release notification.
10. Transport documents from the freight company.

Any of the following documents as per the mode of transportation

11. Marine/ ocean bill of lading.
12. Airway bill / air transport document.
13. Road or rail consignment note.
14. Postal receipt.
15. Certificate of posting.
16. Courier dispatch note or air waybill.

NB: Evidencing transport of the

Documents to submit with payment:

17. Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure).
18. Local Tax invoice (from the local supplier).


NB: If a supplier is unable to produce or provide us with a commercial invoice, the contract will be concluded in RAND's Not in Currency

Applicable (Y/N)

Please note: Eskom will require substantiating proof of importation at the time of invoicing.

Where goods were previously imported into stock by the supplier, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases Eskom will not undertake any foreign exchange commitment or arrange forward cover.

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Take note of the following:

Service-related payment:

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1. Secondment

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

Documents to be attached for payment:


1. Commercial invoice from the specialist company
2. Local invoice (South African company making use of the specialist services)
3. Passport of the specialist and valid work permit
4. Activity schedule signed by the contract manager
5. **Payroll Transfer**

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za). Please note that the tenderer is required to submit proof of the SARB rate/s used.

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PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS *(To be read in conjunction with Eskom CPA Index)*

Eskom requires a fixed portion (free of price adjustment) appropriate to the nature of the contract.

The methods/formulae proposed in this part shall clearly identify the base month, the period over which adjustment will apply the elements of labour and materials and source of the indices/rates/prices to be used.

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority. It must be clearly and completely defined. Supplier in-house indices are not acceptable.

The value of overseas manufacture, labour and material costs (ex-works), inland transportation, expatriate labour, etc. included in the tender/contract price shall be subject to adjustment in accordance with the methods stated hereunder.

The base indices/prices/rates shall be those ruling for the month prior to the month of the closing of the enquiry.

1. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

2. EXPATRIATE LABOUR METHOD

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

3. OTHER VALUES METHOD (e.g., engineering fees, design fees, barging, inland transportation, etc.)

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


PART 5: ADJUSTMENT OF LOCAL MANUFACTURE/SUPPLY MATERIAL, TRANSPORT AND ERECTION COSTS

The contract price adjustment method for local manufacture or partly local manufacture from imported stock, equipment or plant cost, transport cost within the RSA and local erection/installation cost shall be in accordance with the attached Eskom CPA Principles.

PART 6: GUIDELINES FOR CONTRACT PRICE ADJUSTMENT CLAIMS --- PART 2, 3 AND 4

1. When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
2. Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.


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3. Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.
4. Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
5. Where the appropriate claim indices/prices as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
6. Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the contract.
7. Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
2. Regulation 8. (2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:


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

Where

x is the imported content in Rand

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

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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.

6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation.
2. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods	Stipulated minimum threshold
Steel Products and Components for construction (Refer to NT Designated Sectors Instruction No. 15 of 2015/2016)	100%
Cement (Refer to PPPFA Designated Circular No. 1 of 2021/2022)	100%
Textiles, clothing, leather, and footwear (which includes Personal Protective Equipment (PPE))	100%
Plastic piping - High density polyethylene (HDPE) piping	100%

If the quantity of materials and/or products required cannot be wholly sourced from South African based manufacturers and/or at the designated local content threshold at any time, bidders should obtain written approval from **the dtic** to supply the remaining portion at a lower local content threshold. **the dtic**, in consultation with the procuring organ of state, will grant such approval on a case-by-case basis and will consider the following:


1. required volumes in the bid.
2. available collective South African industry manufacturing capacity at that time.
3. delivery times.
4. availability of input materials and components.
5. technical considerations including operating conditions.
6. materials of construction; and
7. Security of supply and emergencies.

Bidders must clearly indicate in their bids the quantities of material and products to be supplied and the level of local content for each product.

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

(Tick applicable box)

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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 are 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 dtic must be informed accordingly in order for the dtic to verify and in consultation with the AO/AA provide directives in this regard.

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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.

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. The SABS approved technical specification number SATS 1286:2011 and Guidance on the Calculation of Local Content together with 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)] is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jspat> no cost Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid 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:

1. The facts contained herein are within my own personal knowledge.
2. I have satisfied myself that:
 1. 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

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2. The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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 have 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.

3. 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.
4. I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____


DATE: _____

WITNESS No. 2 _____

DATE: _____

Refer to Excel documents on the Tender Bulletin for Annexure C, D and E

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)


BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN
THE BID BOX SITUATED AT (STREET ADDRESS)


SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELL PHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
		<input type="checkbox"/>	NAME:		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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


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PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:	
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE
3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
TAX COMPLIANCE REQUIREMENTS	
1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3.	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX	

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COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

Annexure H

SBD 6.1

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

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


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

1. GENERAL CONDITIONS

1. The following preference point systems are applicable to all bids:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
1.
 - a) The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable
2. Points for this bid shall be awarded for:
 1. Price; and
 2. B-BBEE Status Level of Contributor.
1. The maximum points for this bid are allocated as follows:

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10

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Total points for Price and B-BBEE must not exceed


100

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

3. DEFINITIONS

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

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6. POINTS AWARDED FOR PRICE

1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration


P_{\min} = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1

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Non-compliant contributor	0
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8. BID DECLARATION

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

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

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

10. SUB-CONTRACTING

- Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

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

- If yes, indicate:

- What percentage of the contract will be subcontracted%

- The name of the sub-contractor/s.....

- The B-BBEE status level of the sub-contractor/s


- Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

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

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

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

6. DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. VAT registration number.....
3. Company registration number.....
4. TYPE OF COMPANY/ FIRM
 - ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited

[TICK APPLICABLE BOX]

5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....


.....

.....

.....

6. COMPANY CLASSIFICATION

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- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g., transporter, etc.


[TICK APPLICABLE BOX]

7. Total number of years the company/firm has been in business.....
8. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificates, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
1. The information furnished is true and correct.
 2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
 3. In the event of a contract being awarded because of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
 4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 1. disqualify the person from the bidding process.
 2. recover costs, losses, or damages it has incurred or suffered because of that person's conduct.
 3. cancel the contract and claim any damages which it has suffered because of having to make less favourable arrangements due to such cancellation.
 4. recommend that the bidder or contractor, its shareholders, and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 5. forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
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ANNEXURE I

TENDERER'S SDL&I OBLIGATIONS/CONTRACTUAL CONDITIONS

The tenderer is required to submit their proposals for the categories below as a tender returnable. The outcome of the negotiations will become a contractual obligation.

Category	Eskom’s requirements			
Skills development Skills development is mandatory in the case of an engineering and construction works contracts that have a duration of >12 months and a contract amount > R60M as per the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 03 July 2020 (Board Notice 363 of 2020, Government Gazette 43495) (“the CIDB Skills Standard”).	Eskom will apply the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 03 July 2020 (Board Notice 363 of 2020, Government Gazette 43495) (“the CIDB Skills Standard”) to the contract.			
	In terms of the classification system of engineering and construction works contracts the works is classified as Civil Engineering works (CE).			
	As such for the purposes of the CIDB Skills Standard the “contract skills development goal” for this tender is 0.25% of the Accepted Contract Amount.			
	Tenderers are required to propose against the following training initiatives.			
	Category	Intake level and suppliers’ proposal	Outcome	Eskom Target
	Concrete Hand	10	N1/Grade 10	Concrete Hand Level 1
	Shutter Hand	10	N1/Grade 10	Shutter Hand Level 1
	Safety Officer	5	N6/Diploma/Degree	SACPCMP
Civil Technician	5	National Diploma	B-TECH/Civil Technician/ SACPCMP Registration	
Total	30			

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Category	Eskom's requirements
	<p>The above-mentioned Skills are a guideline. The actual skills/trade type may be negotiated. However, expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIDB CSDG is a Condition for Contract Award.</p> <p>The Tenderers are free to propose any other relevant Skills Development that will be feasible and benefit the previously disadvantaged communities. This may even include Workplace Integrated Learning (WIL) from the TVET Colleges around Pixley Ka Isaka Seme local Municipality.</p>

Enterprise Development

The requirements of a CPG apply only to construction works contracts in the Civil Engineering (CE) and General Building (GB) classes of construction works, with a minimum project duration of 6 months and where 25% of the main contract could reasonably be expected to be subcontracted out. The main contractor must be registered in a grade 7 or higher. There are no tender returnables for enterprise development, it is a contractual requirement.

A Targeted Enterprise is a contractor registered with the CIDB, acting in the capacity as a subcontractor or JV partner and is 50% or more black owned or 30% or more black woman owned. The aim of this best practice Standard for Indirect Targeting for Enterprise Development is to promote enterprise development by providing for a minimum Contract Participation Goal (CPG) of 5% of the total project value to be undertaken by joint-venture partners or to be sub-contracted to developing contractors that are also to be beneficiaries of enterprise development and support from the main contractor.


The Standard is a mandatory requirement and is aligned to the enterprise development components within the construction sector Codes of Practice for Broad Based Black Economic Empowerment

Reporting for Enterprise Development and Skills Development

Note: *In the case of the Standard there are no returnable documents notwithstanding the Employer shall provide the proforma documents that shall be completed by the contractors after award of the contract within the stipulated period. (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)*

Note: *In the case of Indirect Targeting Standard there are no returnable documents notwithstanding the Employer shall provide the proforma documents that shall be*

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completed by the contractors after award of the contract within the stipulated period. (i.e. Project Interim Report, Project Completion Report and Declaration) The proforma documents are provided in the tender data for information purposes only.