ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

WCPK1112AR Control & Equipment Room Upgrades/ Refurbishment at Drakensberg Pumped Storage Scheme

Tender number	**WCPK1112AR**
Issue date	**15 June 2023**
Closing date and time	**13 July 2023 at 10h00**
Tender validity period	**12 Week from the closing date and time**
Clarification meeting	**A compulsory clarification meeting with representatives of the Employer will take place Drakensberg Pumped Storage Scheme, Jagersrust, Visitor's center** **Date: Tuesday 04 July 2023** **Time: 10h00** **To confirm attendance kindly email RamdheAR@eskom.co.za 2 working day prior to the clarification meeting.** **Requirements to access the plant will be communicated in response.** **Clarification questions must be addressed as follows:** **Tender Number: WCPK1112AR** **RamdheAR@eskom.co.za**

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Tenders are to be delivered to the following address on the stipulated closing date and time:	**Tender Centre** Tenders are to be submitted to the Eskom *tender box* at the following physical address: **THE TENDER OFFICE** **Tender Centre** **Block 'E" Stores Building** **Brackenfell Complex** **Eskom Road** **Brackenfell (7560)** **Western Cape, South Africa** **NO FAX TENDER WILL BE ACCEPTED** **NO LATE TENDER WILL BE ACCEPTED** **PLEASE ALLOW TIME TO OBTAIN THE NECESSARY ACCESS TO THE TENDER OFFICE AT THE BRACKENFELL SECURITY OFFICE TO DELIVER YOUR TENDER DOCUMENTS. NO EXCEPTIONS WILL BE MADE DUE TO DELAYS EXPERIENCED AT SECURITY TO ACCESS THE TENDER BOX.** **PLEASE ALLOW SUFFICIENT TIME TO ACCESS THE ESKOM, BRACKENFELL COMPLEX FOR SUBMISSION OF YOUR OFFER. THE PERSON SUBMITTING THE OFFER MUST HAVE A VALID ID BOOK PRESENT.** Any documents required that are not submitted in the tender box at the deadline will be considered late. The tenderer accepts that Eskom will not take responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and marked as stated. Without limitation, Eskom takes no responsibility for any delays in any courier or postal system or any delays in transit within or between Eskom offices. Eskom likewise takes no responsibility for offers delivered to a location other than the tender box at the tender office stated in the tender. Proof of posting or of courier delivery will not be taken by Eskom as proof of delivery. All documentation that is not Mandatory at tender closing but Mandatory for evaluation and Contract placement must be sent to the Procurement Practitioner

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	as stated in this tender by not later than 14 calendar days after tender closing.

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a Tender for the Control & Equipment Room Upgrades/ Refurbishment at Drakensberg Pumped Storage Scheme

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

1. 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

Marna Bester

Date: 14 June 2023

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1.1 The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*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
1.1.4	*CPA Requirements for Local Goods/Services	Annexure D	N/A
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	N/A
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	N/A	N/A

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1.1.11	Reverse e-auction training acknowledgement form (if applicable)	N/A	
1.1.12	Reverse e-auction process (if applicable)	N/A	
1.1.13	Contract Skills Development Goals (CSDG)	N/A	
1.1.14	Contract Participation Goals (CPG)	N/A	

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender is** not attached to the **Invitation to Tender;** 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	The *Employer* is **Eskom Holdings SOC Ltd** The Eskom *Representative* is: Name: Ashwanth Ramdheen Tel: 021 941 5891 E-mail: Ramdhear@eskom.co.za
1.3 Enquiry documents	The Invitation to tender - WCPK1112AR See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender	This invitation to tender is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the *eligibility criteria* 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. Tenderers are deemed **ineligible** to submit a tender if 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 apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one tender 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

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	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 : 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. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. **Ineligible tenderers will be disqualified.**
2.2 -2.5 Tender Closing	The deadline for ***Tender*** submission is : Date **13 July 2023** Time **10H00** **Late Tenders will not be accepted** Tenders are to be submitted to the Eskom *tender box* at the following physical address: **THE TENDER OFFICE** **Tender Centre** **Block 'E" Stores Building** **Brackenfell Complex** **Eskom Road** **Brackenfell (7560)** **Western Cape, South Africa**
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) **hard copy** of the original tender at tender submission deadline.

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	The tenderer shall also submit 1 (one) **Electronic Copy (USB)** of the complete tender on flash-drive with all documents in MS word or Excel or PDF format (Note: any documents submitted as PDF version must be submitted in MS word or Excel format as well if it is available). **Where a Tenderer does not submit AN ADDITIONAL HARD COPY OF THE ORIGINAL TENDER at tender submission deadline, the tenderer will be disqualified. Tenders to take note that the original tender is kept at the Tender Office. Only the hard copy of the original and the USB is given to the buyer.**
2.13 Tender Validity Period	The tender validity period is **12 Weeks**
2.16 Site/clarification meetings	A Compulsory clarification meeting and site visit with representatives of the *Employer* will take place as follows: Date: **04 July 2023** Time: **10H00 CAT** Venue: **Drakensberg Power Station, Jagersrust, Visitor's center.** *Tenderers* must confirm their intention to attend with the Eskom *Representative* stating the name, position and contact details of each proposed attendee to RamdheAR@eskom.co.za 24 hours before the meeting. **Please note that if the tender stipulates that a site/clarification meeting is compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such compulsory meeting will be disqualified and will not be evaluated.**
2.17 Clarification on enquiry documents	The tenderer will notify the *Employer* of any clarifications required before the closing time for clarification queries, which is **5** working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are **not allowed**. If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the *Employer:* *1.* A different completion date. *2.* A different payment method. 3. Different technical methods and specifications A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract
2.31 Provision of security for performance	N/A
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline; Tenders will be opened on: Place:

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	THE TENDER OFFICE Tender Centre Block 'E" Stores Building Brackenfell Complex Eskom Road Brackenfell (7560) Western Cape, South Africa Date: 13 July 2023 Time: 10H00
3.5 Prices to be read out	Prices **will not be read out**.
3.9 Basic Compliance	Basic compliance for this invitation to tender are: 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA……)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.

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3.13 Functionality requirements	Functionality requirements are applicable The following criteria will be applicable for this transaction under functionality criteria:

2.3 MANDATORY TECHNICAL EVALUATION CRITERIA

Table 3: Mandatory Technical Evaluation Criteria

	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1.	A minimum of 3 years' experience with a minimum of at least 2 completed projects with evidence of works in floor and ceiling installation and/ or refurbishment/upgrades that are equivalent to the works required in this package. This includes: • Project Name • Description of work performed • Project Value (only for scope performed) • Project Start and End Date 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 five (5) years. Name, designation and Contact Person of Referee are required.	Section 1.6 Works Information Tender returnable schedule P & E	Specialist experience in flooring and ceiling refurbishment is mandatory to assure success of the project
2.	Tenderer attends site clarification meeting.	Section 3.7 Works information	Tenderer conducts a visual inspection to base tender on.

2.4 QUALITATIVE TECHNICAL EVALUATION CRITERIA

2.4.1 Qualitative Technical Evaluation Scoring Range

During the tender evaluations, Table 4 shall be used by TET members to score each criterion.

Table 4: Qualitative Technical Evaluation Criteria

SCORE	PERCENTAGE	DESCRIPTION
5	100	COMPLIANT • Meet technical requirement(s) AND; • No foreseen technical risk(s) in meeting technical requirements.
4	80	COMPLIANT WITH ASSOCIATED QUALIFICATIONS • Meet technical requirement(s) with; • Acceptable technical risk(s) AND/OR; • Acceptable exceptions AND/OR • Acceptable conditions.
2	40	NON-COMPLIANT • Does not meet technical requirement(s) AND/OR; • Unacceptable technical risk(s) AND/OR; • Unacceptable exceptions AND/OR; • Unacceptable conditions.
0	0	TOTALLY DEFICIENT OR NON-RESPONSIVE
Note 1: The scoring table does not allow for scoring of 1 and 3.		

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2.4.2 Qualitative Technical Evaluation Criteria

Table 5: Qualitative Technical Evaluation Criteria

	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
1.	Civil			100%	
1.1	Experience			40	
	1.1.1	Tenderer has at least completed two (2) contracts successfully of similar scope in the last five (5) years. Tenderer has provided references of similar ceiling and flooring projects.	Works Information Section 3.7		100
1.2	Compliance to Scope			35	
	1.2.1	Has the Tenderer submitted high level method statements and Quality Control Plans demonstrating an understanding of the activities and includes the following as a minimum: • Flooring • Floor substructure & Finishing • Removal of Ceiling Panels • Installation of Ceiling Panels	Works Information Section 3.5.1		100
1.3	Project Organisation and Resources			15	
	1.3.1	Resource: Key Personnel: All civil and structural construction personnel and CVs of all key personnel to be provided.	Works Information Section 3.27.7		90
	1.3.2	Project Organization: Organogram Proposed organogram showing organisation structure for the works.	Works Information Section 3.27.7		10
1.4	Construction programme			10	
	1.4.1	The tenderer has provided a schedule/ programme 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 sub-contractors (i.e. is the entire scope of the works represented?	Works Information Section 3.26		100
				TOTAL: 100	

Tenderers who do not meet the threshold of a minimum of 70% for functionality scoring will be disqualified and not be evaluated further

3.15 Evaluation of price

Prices will be evaluated as follows:

1. Inclusive of VAT
2. Making the specified correction for arithmetical errors
3. Excluding contingencies in any bill of quantities or activity schedule.
4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.
5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price

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	Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. 1. Unconditional discounts must be taken into account for evaluation purposes; 2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. Prices will be scored out of 80 or 90 points
3.17 Evaluation of Specific Goals	Specific goals will be scored out of 10 or 20 points in accordance with PPPFA. If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20) Note: **Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.**
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- 1. 90/10 for tender with a rand value above R50 million or 2. 80/20 for tender with rand value equal to or below R50 million **OR** state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.
3.19 Objective Criteria (if applicable)	Objective criteria are applicable

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	Compliance to Objective criteria is Mandatory. Failure to comply with Objective will render the tender non-responsive. The objective criteria are applicable and include the following: • Company CK Registration Documents including certified ID. documents and shareholding certificates. (In the case of a JV then JV agreement then tenderer provide all companies registration documents with Tax Clearance Certificates, BBBEE Certificates, shareholding Certificates and CSD registration update Conformance with contractual requirements stated hereunder: Contractual Requirements may include the following: • OHS Requirements. OHS as a contractual requirement will only evaluate the shortlisted suppliers that have passed mandatory and functionality evaluation threshold. OHS will compile an initial tender evaluation report, which will highlight compliance/conformance gaps (outstanding documents) by the suppliers and recommend or not recommend supplier based on the level of compliance/conformance. Procurement practitioner will engage the suppliers only once, requesting all the outstanding tender documents to be submitted within a period not exceeding seven working days. Each supplier will only be evaluated twice during tender evaluation stage before the final report is submitted to the procurement practitioner. OHS tender evaluation will be done as per annexure C1. • Financial statements and/or Supplier Quality Management: Specification 240-105658000 – Category 3 Evaluation Criteria – (240-12248652) • Valid B-BBEE certificate issued by an authorized body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; any other requirement prescribed in terms of the Broad-Based Black Economic **Please note:-**

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	1. Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA 1. **Functionality and elements of Contractual requirements must not be used as objective criteria.**
3.20 Reverse e-auction	Reverse e-auction **is not applicable**
Contractual Requirements (if applicable)	Contractual Requirements may include the following : • OHS Requirements. OHS as a contractual requirement will only evaluate the shortlisted suppliers that have passed mandatory and functionality evaluation threshold. OHS will compile an initial tender evaluation report, which will highlight compliance/conformance gaps (outstanding documents) by the suppliers and recommend or not recommend supplier based on the level of compliance/conformance. Procurement practitioner will engage the suppliers only once, requesting all the outstanding tender documents to be submitted within a period not exceeding seven working days. Each supplier will only be evaluated twice during tender evaluation stage before the final report is submitted to the procurement practitioner. OHS tender evaluation will be done as per annexure C1. • Financial statements and/or Supplier Quality Management: Specification 240-105658000 – Category 3 Evaluation Criteria – (240-12248652) **Please Note:** **Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.** **Failure to meet "Contractual Requirements "by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.**
2.25 Contractual Condition	The conditions of contract will be the **NEC3 ECSC** The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report) that may be required as returnables after contract award as stipulated by

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	Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020) The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013) In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are applicable 1. It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading of 3CE or 3GB or higher OR. 2. Joint ventures are eligible to submit tenders provided that: - • 3.1 every member of the Joint venture (JV) is registered with the cidb; • 3.2 the lead partner has a contractor grading designation in the 3CE or 3GB 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; • 3.3 the combined contactor 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 3CE or 3GB class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations ***[Please note:*** ***That only those tenderers who are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in***

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	accordance with the best estimated value of the scope of works herein are eligible to submit tenders. ***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.]***

<u>Please note:</u>

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

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

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

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be 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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1.3 **TENDER RETURNABLES**

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

NOTE:

*** Returnable required at Tender closing (disqualifiable) - These returnable are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing the tender must be disqualified.**

**** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)**

 # These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner; however the tenderer will not be disqualified but score zero.

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	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)	N/A	N/A	N/A
Annexure E	CPA(IG) for imported goods/services (if applicable)	N/A	N/A	N/A

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Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	N/A	N/A	N/A
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
Annexure I	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training acknowledgement form		N/A	N/A	N/A
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.		✓	
	# proof of compliance to the stipulated Specific goals.			
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
# Specific Goals	Failure on the part of the supplier to submit **"proof of specific goals** for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.			

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Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE**]**			✓
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		✓	
NEC Documentation	Completed NEC/FIDIC pricing schedule and contract data.	✓		
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)		✓		

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	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)			✓
Quality	Documents that may be required per scope of work			✓
Other safety/quality documents as required per scope of works	Includes all; Attachments 4 – SHE documents and Attachments 5 – Quality documents			✓
Environmental	Documents that may be required as per scope of work			✓
Due Diligence	Audited Financial Statements of the *tenderer* for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.			✓
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring)	Attachments 3 Technical evaluation criteria items, any other stated requirements as per the tender documents and NEC3	✓		

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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:

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

Correct as stated in the Invitation to Tender 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: ☐

_____

_____

_____

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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: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

ANNEXURE B

TENDERER'S PARTICULARS

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The tenderer must furnish the following particulars where applicable:

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
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)	

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	

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VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom._____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS 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 compete 8.1- 8.7

8.1 Confirm if you intend sub-contracting

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YES		NO	

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

YES		NO	

8.5 If yes to 8.4, please provide CSD number._____
8.4 Please confirm B-BBEE level of said sub-contractor_____
8.5 Which designated group does the sub-contractor belong to:-

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

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	

1. 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: _____

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2. 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.

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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

   1.a juristic person is "related" to another juristic person if:-

   1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of "control" (as per Companies Act section 2(1));
   2. either is a subsidiary of the other; or
   3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of "control"
5. the *tenderer/s* and one or more of the *tenderers* in this tendering 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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration. _____

   Do the tenderer/s and other tenderer in this tendering 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:

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

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

	Question	Yes	No

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1.1	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 ***[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].*** The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the *tenderer/s (or any of its 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) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the *tenderer/s (*or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the *tenderer/s(or any of its directors/members/shareholders)* prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	*Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?*		

3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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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, and

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

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

Signature:	
Designation and capacity in which signing	
Date:	

<u>Joint Ventures</u>

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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

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ANNEXURE D

CPA Requirements For Local Goods and Services (South Africa)

Not Applicable

ANNEXURE E

CPA(IG) for imported goods/services (if applicable)

Not Applicable

ANNEXURE F1

Not Applicable

ANNEXURE F2- Local Content Declaration-Summary Schedule (Annex C)

Not Applicable

ANNEXURE F3 - Imports Declaration-Supporting schedule to Annex C(annex D)

Not Applicable

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

Not Applicable

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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	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				

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	TCS PIN:		**OR**	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ 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	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	☐	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐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:**		

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DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B

TERMS AND CONDITIONS FOR BIDDING

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

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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)?
☐ YES ☐ NO

2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐
YES ☐ NO

3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?
☐ YES ☐ NO

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

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

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ANNEXURE H **SBD 6.1**

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

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

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

---

1. GENERAL CONDITIONS

1. The following preference point systems are applicable to invitations to tender:
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. To be completed by the organ of state

(*delete whichever is not applicable for this tender*).

1. The applicable preference point system for this tender is the 90/10 preference point system.

2. The applicable preference point system for this tender is the 80/20 preference point system.

3. Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

1. Price; and
2. Specific Goals.

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1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

3. DEFINITIONS

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

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

80/20 **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \quad \text{or} \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the

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conditions of this tender:

2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

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

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DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm…….
2. Company registration number: ……...
3. TYPE OF COMPANY/ FIRM

   ☐ Partnership/Joint Venture / Consortium

   ☐ One-person business/sole propriety

   ☐ Close corporation

   ☐ Public Company

   ☐ Personal Liability Company

   ☐ (Pty) Limited

   ☐ Non-Profit Company

   ☐ State Owned Company

   [TICK APPLICABLE BOX]

4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

   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 as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
   4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

      1. disqualify the person from the tendering process;
      2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
5. forward the matter for criminal prosecution, if deemed necessary.

……

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: ……

DATE: ……

ADDRESS: ……

……

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ANNEXURE I **SBD 4**

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

……

……

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

1. If so, furnish particulars:

……..

……..

3. DECLARATION

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

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium2 will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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1. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

…… ……

Signature Date

…… ……

Position Name of bidder

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ATTACHMENTS

- Attachment 1 – NEC3 ECSC
- Attachment 2 – Supplier Evaluation Pack
- Attachment 3 – Technical Evaluation Report
- Attachment 4 – SHE Documents
- Attachment 5 – Quality Documents
- Attachment 6 – BEE Affidavit EME
- Attachment 7 – BEE Affidavit QSE

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