	Invitation to Tender IPC and PG Clamps LP00117NR	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

(The Supply and Delivery of Insulation Piercing Connectors and PG Clamps for the LimLanga Cluster on an “as and when required” basis for a period of 60 months


Tender number: LP00117NR)

Tender number	LP00117NR
Issue date	20/06/2023
Closing date and time	13/07/2023 at 10h00
Tender validity period	150 days from the closing date and time
Clarification meeting	Not applicable
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Holding SOC Ltd The Tender Office Limlanga Cluster -Limpopo Millennium Building 90 Hans Van Rensburg Street Polokwane

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Supply and Delivery of Insulation Piercing Connectors and PG Clamps for the LimLanga Cluster on an “as and when required” basis for a period of 60 months.

NOTE: Transportation will be carried out by Eskom Rotek Industries for Eskom’s account (Formerly Rotran).

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).

Tender documentation can be downloaded from the following:

1. <http://tenderbulletin.eskom.co.za/>
2. www.etenders.gov.za

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

Yours faithfully



Madimetja Phalane

Procurement Manager

Date: 20/06/2023

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1.1 The following documents listed hereunder are attached to this enquiry. ***[Annexures that are mandatory for all tenders as indicated by (*) hereunder are attached.]***

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	Y
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 E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F4	Y
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	Not Applicable	N
1.1.11	Reverse e-auction training acknowledgement form	Attached separately	Y

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1.1.12	Reverse e-auction process	Attached separately	Y
1.1.13	Contract Skills Development Goals (CSDG)	<i>Not Applicable</i>	N
1.1.14	Contract Participation Goals (CPG)	<i>Not Applicable</i>	N
1.1.15	1 x NEC 3 Supply contract document	Attached Separately	Y
1.1.16	Non-Disclosure agreement (NDA)	Attached Separately	Y
1.1.17	Authority to submit a tender (returnable schedule)	Attached Separately	Y
1.1.18	Eskom Standard conditions of tendering Rev.10	Attached Separately	Y
1.1.19	Annexure B- Acknowledgement of Eskom's SHE rules	Not Applicable	N
1.1.20	Supplier QM Category 3 Method Statement Template	Attached Separately	Y
1.1.21	(Form A) tender & contract quality requirements for 240-105658000 and quality requirements for ISO 9001 standard	Attached Separately	Y
1.1.22	Supplier Quality Management: Specification (QM 58)	Attached Separately	Y

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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	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Ndivhuwo Radzilani Tel: 015 230 1532 E-mail: RadziINM@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is : LP00117NR</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>(a) 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/part of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to 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>(a) 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.</p> <p>(b) Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</p> <p>(c) 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</p>

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	<p>severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>(d) 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:</p> <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/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <p>(e) Tenders signed by non- authorized persons</p> <p>(f) Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>(g) Any tenderer that is restricted by National Treasury</p> <p>(h) Any tenderer on the Tender Defaulters list.</p> <p>(i) A tenderer that sub-contracts 100% Scope of Work.</p> <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is: Date: 13/07/2023 Time: 10h00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: Eskom Holding SOC Ltd The Tender Office Limlanga Cluster -Limpopo Millennium Building 90 Hans Van Rensburg Street Polokwane</p>
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. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</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>
2.13 Tender Validity Period	The tender validity period is 150 days from the closing date and time
2.16 Site/clarification meetings	Not applicable
2.17 Clarification on enquiry documents	Not applicable
2.23 Alternative tenders	Alternative tenders are not allowed

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2.31 Provision of security for performance	Not applicable
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 will not be read out.
3.9 Basic Compliance	<p>Step 1 – Basic Compliance</p> <p>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness.</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • The tenderer must submit two hard copies of the tender (an original tender plus 1 additional complete hard copy of the original tender) • Central Supplier Database (CSD) number (MAA.....) <p>Tenderers who do not meet this requirement will not be evaluated further.</p>
3.10 Mandatory tender returnables	<p>Step 2 – Mandatory returnable requirements</p> <p>The following are the Commercial mandatory returnables to be submitted at tender closing (refer to appendix A below for more details).</p> <p>Returnable required at Tender closing (disqualifiable)</p> <ul style="list-style-type: none"> a) CPA for local goods/services (if applicable). b) Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender. c) Completed NEC 3 Supply Contract pricing schedule and contract data. (The tenderers must submit a complete tender without prices where reverse e-auction process is followed). <p>Returnable required at Tender closing. (Non-disqualifiable)</p> <ul style="list-style-type: none"> d) JV agreement or intent to form a Letter of intent to form a JV/consortium where responding to this tender as a JV e) Submit completed and signed non-disclosure agreement (NDA). f) A completed and signed Integrity Pact Declaration form. g) Annexure I - SBD 4 – Bidders Disclosure h) Submit completed and signed SBD 1 (Annexure G) as included in the invitation to tender document.

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	<p>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.</p> <p>i) SBD 6.1- Preference Points Claim Form in terms of PPR 2022 regulations (Annexure H)</p> <p>j) Proof of compliance to the stipulated Specific goals.</p> <p>Non-responsive/unacceptable tenders will be disqualified, and all the responsive tenders will be evaluated further.</p>						
3.13 Functionality requirements	<p>Step 3 – Functionality Analysis</p> <p>All responsive tenders will be evaluated for functionality threshold.</p> <p>A weighted score-card approach is used to evaluate the technical compliance of tenders against the specifications. The technical evaluation criteria and wights are as illustrated below:</p> <table border="1"> <thead> <tr> <th>Functionality</th><th>Weightings</th></tr> </thead> <tbody> <tr> <td>Technical</td><td>100%</td></tr> <tr> <td>Overall minimum threshold for qualification</td><td>95%</td></tr> </tbody> </table> <p>TENDER REQUIREMENTS</p> <p>3.1 IMPORTANT INFORMATION</p> <p>The following shall be submitted by the tenderer. Please note that if any of the requested documentation is omitted (i.e. not submitted); the tender application may be discarded / disqualified without requesting tenderer to submit outstanding documentation. Eskom will treat all documents submitted by the tender as confidential. Eskom shall request to conduct factory visits, witnessing and or submission of samples. Eskom reserves the right to witness any or all of these tests.</p> <p>3.2 List of Returnable</p> <p>3.2.1 Type test reports as per SANS 50483-4</p> <p>3.2.2 Manufactures Drawings with critical dimensions</p> <p>3.2.3 Annexure A: Completed A & B technical schedules</p> <p>3.2.4 Annexure B: Completed Deviation schedule</p> <p>TECHNICAL EVALUATION CRITERIA</p> <p>3.3 TECHNICAL EVALUATION STAGES</p> <p>k) This will be a desktop evaluation of the mandatory requirements. Products will be evaluated individually. Each tender needs to meet the entire mandatory technical</p>	Functionality	Weightings	Technical	100%	Overall minimum threshold for qualification	95%
Functionality	Weightings						
Technical	100%						
Overall minimum threshold for qualification	95%						

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requirements to proceed to evaluation stage 2, a “NO” to any of the mandatory requirements as listed below will lead to immediate disqualification.

Table1: The table below shows the scoring that will be applied:

Item	Description	Weight	Compliant (Yes/No)
Mandatory Criteria (Evaluation Stage 1)			
1	Annexure A: technical AB Schedule(s)	60%	
2	Manufacture drawing(s)	10%	
3	Type test report(s)	20%	
4	Annexure B: Deviation Schedule	10%	
Note! Failure to meet any of the mandatory criteria will immediately lead to disqualification.			

3.4 Scoring functional Criteria (Annexure A)

The tenderer needs to obtain a weighted score of **95%** in order to pass this Evaluation phase. Requirements shall be scored as shown on table below:

Criteria	Score
Fully Compliant	5
Partially compliant – minor deviation	2
Non-compliant	0

Functionality Evaluation will follow the following process:

- Evaluate the submissions against the functional criteria
- Rate each submission against each criterion
- Apply weightings and calculate total functional score
- Eliminate tenders below the minimum threshold

3.15 Evaluation of price


Step 4 – Price and Preference (Evaluation of price and Specific goals)

- The 80/20 preference points system will be used to evaluate price. Price points will be calculated out of 80 for price (Evaluated price including VAT). A maximum of 20 points will be awarded to a tenderer for the specific goal.
- The reverse e-auction will be utilised to achieve market related prices. Where market related price is not achieved at close of reverse e-auction, Eskom reserves the right to negotiate market related prices with the highest ranked supplier.
- Tenderers will submit a complete tender without prices as stated in the enquiry where reverse e-auction is applicable.

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- The enquiry/tender document will clearly stipulate that Eskom reserve the right to use reverse e-auction. The relevant documents (e.g. Reverse E-auction Training Acknowledgement Form, Reverse E-auction process and bidders guide for reverse e-auction with training video links) will be included with the tender.
- E-auction will run for at least 1 working day. At the clearly specified date and time, the auction will close.
- In an event that the reverse e-auction is not possible due to various reasons, the transaction shall default to the normal process of requesting the price quotation in evaluate the price as per PPR 2022.
- The points scored for the specific goal will be added to the points scored for price and the total will be rounded off to the nearest two decimal places. The contract must be awarded to the tenderer scoring the highest points unless objective criteria if any justify the award to another tenderer. The ranking will be based on the estimated value per item /SAP number.
- The contract/s will be awarded to the highest ranked supplier/s based on the highest points scored per item, in terms of the PPR 2022 unless objective criteria justify the award to another tenderer

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

3.17 Evaluation of Specific Goals

Specific Goals


A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14

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	4	12
	5	8
	6	6
	7	4
	8	2
	Non-compliant contributor	0
	<p>NB: The following documents are required to claim preference points,</p> <ul style="list-style-type: none"> Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit Proof of ownership / shareholding (CIPC documentation) inclusive of shareholding breakdown Certified ID copies of shareholder(s) Proof of Disability (where applicable) <p>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but</p> <ul style="list-style-type: none"> May only score point out of 80 for price Scores 0 points out of 20 for specific goals <p>Valid B-BBEE certificate [Mandatory for contract award].</p> <p>The certificate must be 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</p>	
3.18 Ranking of tenders	<p>Contracts will be awarded to the highest ranked suppliers per item based on PPR2022 ranking unless the objective criteria justify the award to another tenderer.</p> <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder):-</p> <p>(a) 80/20 for tender with rand value equal to or below R50 million</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p>	

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3.19 Objective Criteria	Step 5 – Objective criteria as per PPPFA 2(1)(f) The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.									
	Local Content and Production									
	<table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Powerline Hardware</td><td>Connector Clamps</td><td>100%</td></tr><tr><td>Powerline Hardware</td><td>PG Clamp</td><td>100%</td></tr></table>	Commodity	Components	Local Content Threshold	Powerline Hardware	Connector Clamps	100%	Powerline Hardware	PG Clamp	100%
	Commodity	Components	Local Content Threshold							
	Powerline Hardware	Connector Clamps	100%							
	Powerline Hardware	PG Clamp	100%							
	SBD 6.2 Declaration Form and Annexure C (Local Content Declaration-Summary Schedule) are therefore mandatory and must be tender returnable. Non-compliance to the threshold will result in disqualification.									
	2.2 CIDB Skills Development									
	Continuation of Mandatory Requirements									
	<table><tr><td rowspan="3">a) Is there CIDB compulsory training? If Yes, what is the% of the Construction Skills Development Goal % (CSDG) If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets</td><td>YES</td><td>NO</td></tr><tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr><tr><td colspan="2">Not applicable</td></tr></table>	a) Is there CIDB compulsory training? If Yes, what is the% of the Construction Skills Development Goal % (CSDG) If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable			
a) Is there CIDB compulsory training? If Yes, what is the% of the Construction Skills Development Goal % (CSDG) If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets	YES		NO							
	<input type="checkbox"/>		<input checked="" type="checkbox"/>							
	Not applicable									
<table><tr><th>Criteria</th><th>Eskom Target</th><th>Tenderer Commitment</th></tr><tr><td>CSDG Percentage</td><td>N/A</td><td></td></tr><tr><td>Description</td><td>N/A</td><td></td></tr></table>	Criteria	Eskom Target	Tenderer Commitment	CSDG Percentage	N/A		Description	N/A		
Criteria	Eskom Target	Tenderer Commitment								
CSDG Percentage	N/A									
Description	N/A									
NOTE: Failure by the Contractor/Service Provider/Supplier to meet the CIDB CSDG mandatory % will render their tender non-responsive.										
2.3 National Industrial Participation Programme Not Applicable (NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more).										
2.4 Mandatory Subcontracting as condition of award Not applicable										
Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals										

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	<p>Tenderers who complete and submit the objectives as required, but who do not meet Eskom’s targets, will not be disqualified. SDL&I objectives do not form part of scoring but commitments will form part of contractual obligations</p> <p>1. BBBEE requirements</p> <p>All tenderers are required at a minimum, to maintain their BBBEE status throughout the contract period.</p> <p>2. Local Procurement Content</p> <p>Not Applicable</p> <p>3. Procurement spend on entities with a minimum 51% black ownership</p> <p>Not Applicable</p> <p>4. Jobs</p> <p>Tenderers will be required to report on the number of jobs created and retained in South Africa as a direct result of being awarded a contract.</p> <table><tr><th>Type of Jobs to be created</th><th>Number of Jobs to be created</th></tr><tr><td></td><td></td></tr></table> <table><tr><th>Type of Jobs to be retained</th><th>Number of Jobs to be retained</th></tr><tr><td></td><td></td></tr></table> <p>5. Skills Development</p> <p>Not Applicable</p>	Type of Jobs to be created	Number of Jobs to be created			Type of Jobs to be retained	Number of Jobs to be retained		
Type of Jobs to be created	Number of Jobs to be created								
Type of Jobs to be retained	Number of Jobs to be retained								
	<p>Section 4: SDL&I Penalty and Performance Security</p> <p>(a) Not Applicable</p>								
3.20 Reverse e-auction	<p>Reverse e-auction is applicable</p> <p>Please note:-</p> <p>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>								

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Contractual Requirements	Step 6: CONTRACTUAL REQUIREMENTS
	<p>The following contractual requirements shall apply:</p> <ul style="list-style-type: none"> • Financial Analysis; • Quality; • Commercial compliance. <p>Tenderer/ tenderers recommended for award, including those justified on the bases of objective criteria, must still meet Contractual requirements as set out in the enquiry. Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</p> <p>The tenderer will be allowed <u>7 working days</u>, to resubmit the contractual requirements that were not met after the tender submission. This is aligned to the SHEQ requirements for the Procurement and Supply Chain Management process in Eskom Revision 2.</p> <p>The process further states that for SHEQ as a contractual requirement, each supplier will only be evaluated twice before the final report is submitted to the Procurement Practitioner. However, should any further tender evaluations be required, the Procurement Manager will submit a motivation and supporting documentation for the request to the relevant Safety, Health, Environment, Quality (SHEQ) Senior Manager for approval.</p> <p>Tenderers failing to meet contractual requirements will be ineligible for contract award.</p> <p>a) Financial Analysis</p> <p>Where applicable the financial viability assessment of the tenderers and its ability to meet its contractual obligations for the duration of the contract will be conducted by Financial and Management Reporting (within Group Finance).</p> <ul style="list-style-type: none"> • The tenderers must submit the latest and approved financial statement not older than 18 months after year end, as per requirements of company law. • In the case of an unincorporated JV or a SPV, each partner of the entity must submit their financial statements which will be consolidated to determine their joint capability to execute the applicable contract. • Where a new company is unable to provide approved financial statements for the last 18 months they may, at the discretion of Eskom, be permitted to provide financial statements for the most recent twelve-month operating period. • Risk mitigating factors may include obtaining a performance bond or parent company guarantee. <p>Tenders which do not meet Eskom's financial requirement may not be awarded the contract.</p> <p>b) Quality requirements</p>

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Eskom will assess the recommended tenderer's compliance to the quality requirements applicable to the project, the tenderer/s has to comply with the requirements prior contracts award.


a) Category 3: Quality Requirements

- The supplier shall complete and sign Form A (Enquiry/Contract/Quality Requirements for Supplier Quality Management Specification 240-105658000/ QM 58 and ISO 9001).
- The supplier shall submit objective evidence of a developed QMS that complies with ISO 9001 (or the latest applicable revision). The following documented information (approved/ signed copies) shall be submitted:
 - Quality management system manual or a (documented information) that have defines and describes the QMS and its scope
 - Quality Policy, aligned with the supplier's strategic direction (documented information)
 - Quality Objectives (documented information)
 - Control of documented information (both maintain and retain documented information)
 - Internal audit procedure (documented information)
 - Control of nonconforming outputs (documented information)
 - Nonconformity and Corrective action procedure (documented information)

The QMS should drive all the supplier's business management processes to ensure that all of Eskom's requirements are fully met on a consistent basis.

- The supplier shall submit a draft contract quality plan that is specific to the scope of work as described in the tender documents. The plan must address the minimum requirements as per ISO 10005.
- Where applicable; the supplier shall submit an example inspection and test plan (ITP) or quality control plan (QCP).
- The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services.
- The supplier shall submit a copy of documented information for roles, responsibilities and authorities in relation to the QMS. Examples of relevant documented information are; organization charts, job descriptions, work instructions, duty statements, manuals, procedures.


NB: specific requirements per tender will be selected using the List of Tender Returnables document (240-12248652).

	Supplier Quality Management: List of Tender Returnables Documents	Unique Identifier	240-12248652
		Revision	7
		Effective Date	2022/01/26
		Specification	240-105658000
Category : Quality Requirements 3		Deliverables to be evaluated indicator = 1	
SECTION A : Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body			

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	A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant	Apply =1
	A.2 Certificate by Approved and Authorized certification authority	0
	A.3 Certification Authority has Recognized International Accreditation	0
	A.4 Validity (expiry date) of certificate	0
	Section A Score Option 1	0
	SECTION A : Quality Management System Requirements ISO 9001	
	Objective evidence of documented QMS that is not certified but complies with ISO 9001	
		Apply =1
	A.1 QMS Manual or a document that defines and describes the QMS and its scope	1
	A.2 Quality Policy Approved by top management.	1
	A.3 Quality Objectives Approved by top management.	1
	A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015	1
	A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015	1
	A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015	1
	A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015	1
	Section A Score Option 2	7
	SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)	
		Apply =1
	B.1 Documented information for defined roles, responsibilities, and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)	1
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)	1
	Section B Score	2
	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).	
	Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)	
		Apply (Yes=1)
	NB! Draft Contract/Project Quality Plan has important QA deliverables	1
	Section C Score	1
	SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302)	
	QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005)	
		Apply = 1
	NB! Draft/ Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done	1
	Section D Score	1
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000)	
	Customer specific requirements & other standards and required can be listed and evaluated here	
		Apply (Yes=1)
	E.1 Form A is completed and signed.	1
	E.2 Supplier Evaluation Report; Purchase Product Verification Report/Checklist; Product Manufacturer valid ISO 9001 certificate.	1
	Section E Score	2
<p>The following documents shall apply and will be sent with the tender enquiry:</p> <ul style="list-style-type: none"> Contract Quality Plan (CQP) Template 2021 Quality Control Plan or Inspection Test Plan (QCP or ITP) rev 2 		

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	<ul style="list-style-type: none"> Form A Cat-3 Rev 9 Supplier Quality Management Specification for reference
Contractual Condition	Not Applicable
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements not applicable

Please note:

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

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

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

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be 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	✓		
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E			✓

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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				✓
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.			
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]			✓

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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		N/A	
NEC3 Documentation	Completed NEC3 Supply Contract and contract data.	✓		
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))		N/A		
	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 as required per scope of works	Refer to page 16 & 17			✓
Environmental	Documents that may be required as per scope of work			N/A
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.			✓
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			

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Technical (required functionality scoring)	for	Refer to pages 8 & 9 of this invitation to tender Refer to Appendix A attached separately for a detailed technical evaluation	✓		
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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]:

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


- (d) 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. ☐

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Name of company/JV: _____

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

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Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

- (a) If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
- (b) If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
- (c) 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.
- (d) You may register online at National Treasury website on www.treasury.gov.za
- (e) If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
- (f) 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

8.1 Confirm if you intend sub-contracting


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

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

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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	
-----	--	----	--

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(a) 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: _____

(b) 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:-

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

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


- 1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
 - 2. either is a subsidiary of the other; or
 - 3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- (e) 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/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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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

(a) 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:

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

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(c) DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage


Other Entities*:

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

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

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

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


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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

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

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

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


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 any and all the partners is attached to the invitation to tender/Request for proposal).

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

(A) APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

(B) TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- (a) A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- (b) This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:


- (a) A fixed priced offer in addition to the fully CPA compliant main offer; or
- (b) Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However, it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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(C) ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

(D) FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE (NOT APPLICABLE)

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- (a) 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.
- (b) The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

(C) NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

(D) 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.


(E) BASE DATE

- (a) 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
- (b) In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- (a) 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 effect 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:

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The Cash Settlement or Cash Sellers Price

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

(C) CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

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

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer


Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity.
Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others	
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)	
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material			
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence	Aluminium SEIFSA, R, aluminium	Building and construction material		StasSA, PO142.1), PPI (d) Final Manufacture d Goods	
	Zinc SEIFSA, F, zinc				

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allowance is paid	Lead SEIFSA ,F, lead	SEIFSA, G, building and construction material		Or (e) Intermediate Manufacture d Goods OR (f) SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
-------------------	--------------------------------	---	--	--

Table 2: Preferred Foreign Index List (Not Applicable)

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			


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

1. General Conditions

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

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

Where

x is the imported content in Rand

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


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

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

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

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:

Commodity	Components	Local Content Threshold
Powerline Hardware	Connector Clamps	100%
Powerline Hardware	PG Clamp	100%

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

(Tick applicable box)

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	


NB: Bidders must submit proof of the SARB rate (s) of exchange used.

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


I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

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

SIGNATURE: _____ **DATE:** _____

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

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

Annexure F2- _Local content Declaration-Summary Schedule (annexure C)



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Document

**Annexure F3 - _Imports Declaration-Supporting
schedule to Annex C(annexure D)**



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Document

**Annexure F4 - Local Content Declaration-Supporting
Schedule to Annex C (annexure 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:	LP00117NR	CLOSING DATE:	13/07/2023	CLOSING TIME:	10:00 a.m
DESCRIPTION	The Supply and Delivery of Insulation Piercing Connectors and PG Clamps for the LimLanga Cluster on an "as and when required" basis for a period of 60 months. NOTE: Transportation will be carried out by Eskom Rotek Industries for Eskom's account (Formerly Rotran).				
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)					
Millennium Building, Tender Office 90 Hans Van Rensburg Street Polokwane					
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					
		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 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	Eskom Holdings	CONTACT PERSON	Ndivhuwo Radzilani
CONTACT PERSON	Ndivhuwo Radzilani	TELEPHONE NUMBER	015 230 1532
TELEPHONE NUMBER	015 230 1532	FACSIMILE NUMBER	None
FACSIMILE NUMBER	None	E-MAIL ADDRESS	RadziINM@eskom.co.za
E-MAIL ADDRESS	RadziINM@eskom.co.za		

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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	
(a)	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
(b)	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.
(c)	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.
(d)	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
(e)	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
(f)	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
<p>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.</p>	

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

(a) GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The applicable preference point system for this tender is the 80/20 preference point system.
 - The 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.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 - (a) Price; and
 - (b) Specific Goals.
- 1.4 The maximum points for this tender are allocated as follows:


	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

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

FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$


Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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(a) 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 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 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that the 80/20 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 the 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 the 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 (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

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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:
 - (a) The information furnished is true and correct;
 - (b) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - (c) 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;
 - (d) 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;
 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*

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- alteram partem* (hear the other side) rule has been applied; and
5. forward the matter for criminal prosecution, if deemed necessary.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>	
SURNAME AND NAME:
DATE:
ADDRESS:

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

(a) 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.

(b) 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:

.....
.....

(c) 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

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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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.

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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