

	Invitation to Tender	Template Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER FOR

REFURBISHMENT OF THE KENDAL WATER TREATMENT PLANT FOR 18 Months.

Tender number	MPKEN10205GXR1
Issue date	05 August 2022
Closing date and time	22 August 2022 at 10h00 (South African Standard Time)
Tender validity period	120 days from the closing date and time
Payment Terms	60 days after invoice is sent to Eskom account payables
Clarification meeting	<p>Non-Compulsory Clarification Meeting Date: 12 August 2022 Time: 10:00 AM TO 12:00 PM Venue: MICROSOFT TEAMS MEETING</p> <p>Link : Microsoft Teams meeting Join on your computer or mobile app Click here to join the meeting Or join by entering a meeting ID Meeting ID: 389 713 891 459 Passcode: jo87iq Or call in (audio only) +27 21 834 0825, 171833568# South Africa, Cape Town Phone Conference ID: 171 833 568# Find a local number Reset PIN Learn More Meeting options</p>

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Tenders are to be delivered to the following address on the stipulated closing date and time:		THE PLACE FOR DELIVERY OF THE TENDER IS THE 24 HOUR ESKOM HOLDINGS SOC LIMITED'S TENDER BOX LOCATED AT:			
		TENDER BOX, GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA GPS Co-ordinates: Latitude:25.87723S Longitude:29.21629E https://www.google.com/maps/search/-25.87367+29.21745/data=!4m4!2m3!3m1!2s-25.87367+29.21745!4b1			
		Please note that Tender box for this Tender Submission is not located at Kendal Power Station or any other Eskom			

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the REFURBISHMENT OF THE KENDAL WATER TREATMENT PLANT FOR 18 MONTHS.

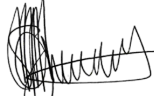
The enquiry documents are supplied to you on the following basis:

- 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/proposal 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



Andrew Motsuki
Procurement Manager
Date: 05 August 2022

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1. The following documents are attached to this enquiry:

No	Description	Annexures included	Attached(Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer also to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services (if applicable)	Annexure D	Y
6.5	Addenda acknowledgement form	Annexure G	Y
6.6	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
6.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure I	Y
6.8	Supplier Development & Localisation (SDL&I) Undertaking	Annexure J	Y

1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** (refer to www.eskom.co.za for this document that suppliers are required to download and read). The clauses that apply specifically to this Invitation are referenced hereunder. The **“Tender Data”** shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.


TENDER DATA

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: Isaac Segoatle Tel: 017 799 2703 E-mail: Segoati@eskom.co.za</p>

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		Revised Date	February 2027		
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> <ul style="list-style-type: none">• 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				

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		Reviewed Date	N/A February 2027		

	<p>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> <ul style="list-style-type: none"> • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • 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 : <ul style="list-style-type: none"> • (a)they have a controlling partner/majority shareholder in common; or • (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; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MPKEN10205GXR1</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is : Date 22 August 2022 Time 10h00 AM (South African Standard Time) Late Tenders will not be accepted Addressed: Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p>

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	TENDER BOX, GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA GPS Co-ordinates: Latitude:25.87723S Longitude:29.21629E https://www.google.com/maps/search/25.87367+29.21745/data=!4m4!2m3!3m1!2s-25.87367+29.21745!4b1 Please note that Tender box for this Tender Submission is not located at Kendal Power Station or any other Eskom premises except the one mentioned above.
3.10 Mandatory tender returnables	See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior. The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines. Where original/certified copies of a B-BBEE certificates/sworn affidavits are required for preference point scoring purposes only, tenders will be scored zero, but not disqualified if not submitted.
2.9 Copy of original tender	Eskom Kendal Power Station requires that the tenderer must submit the tender as a complete <u>one original tender and plus one (1) copy of the original tender</u> at tender submission deadline. The original and complete hard copy of the tender must clearly be divided into the following sections: Commercial & SDL&I (as per commercial & SDL&I tender returnables) Technical (as per technical returnables) SHE (as per SHE returnables) Environment (as per Environment returnables) Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the Tender will be disqualified.
2.13 Tender Validity Period	The tender validity period is 120 days
2.16 Site/clarification meetings	There will be a Non-Compulsory Clarification Meeting Date: 12 August 2022 Time: 10:00 AM TO 12:00 PM Venue: MICROSOFT TEAMS MEETING Link : Microsoft Teams meeting Join on your computer or mobile app Click here to join the meeting Or join by entering a meeting ID

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	Meeting ID: 389 713 891 459 Passcode: jo87iq Or call in (audio only) +27 21 834 0825,,171833568# South Africa, Cape Town Phone Conference ID: 171 833 568# Find a local number Reset PIN Learn More Meeting options
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 4 (four) working days (16 August 2022) before the deadline for tender submission.
2.25 Conditions of contract	The conditions of contract will be the Eskom's General Condition of Purchase and NEC3 ECC3
2.23 Alternative tenders	Alternative tenders are not allowed
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.

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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: <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....) • Price in full
3.10	<p>A tenderer that does not submit mandatory documents/information in 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.</p> <p>Please tender returnables below.</p>


ITEM	DESCRIPTION	Mandatory for Evaluation	Mandatory for points allocation	Mandatory for contract award
Commercial Tender Returnable-(To be submitted with the Tender, Tenderer will be disqualified if the following returnable is not submitted with the tender)				
1.	An original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or		√	√

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		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	June 2022		

	Invitation to Tender	Template Identifier	240-114238630	Rev	5
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	June 2022		

2.	An original or certified copy of B-BBEE Certificate issued by CIPC for EME's. OR		√	√
3.	An original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or		√	√
4.	An original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency must for LME's must be submitted, or		√	√
5.	For JV's only an original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted.		√	√
6.	Completed NEC3 Engineering Construction Contract.: C2.2 Price List (In full)	√	√	√
Commercial Negotiable Tender Returnable (Contractual requirements)-To be submitted with the Tender				
7.	Completed form of offer and acceptance- NEC3 Engineering Construction Contract.			√
8.	Submit an Original Valid SARS Tax Clearance certificate according to Preferential Procurement Policy Framework Act 2000 issued by the South African Revenue Services. (Certified)			√
9.	Completed data provided by the contractor- NEC3 Engineering Construction Contract.			√

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10.	Completed price schedules(Note: All suppliers are not, under any circumstances, to deviate from the required stipulated format for the provision of pricing)	√		√
11.	Completed form CPA (General) - Escalation formula) with proposal from the supplier			√
2.	An original or certified copy of B-BBEE Certificate issued by CIPC for EME's. OR		√	√
3.	An original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or		√	√
4.	An original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency must for LME's must be submitted, or		√	√
5.	For JV's only an original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted.		√	√
6.	Completed NEC3 Engineering Construction Contract.: C2.2 Price List (In full)	√	√	√
Commercial Negotiable Tender Returnable (Contractual requirements)-To be submitted with the Tender				
7.	Completed form of offer and acceptance-NEC3 Engineering Construction Contract.			√
8.	Submit an Original Valid SARS Tax Clearance certificate according to Preferential Procurement Policy			√
	Framework Act 2000 issued by the South African Revenue Services. (Certified)			
9.	Completed data provided by the contractor- NEC3 Engineering Construction Contract.			√
10.	Completed price schedules(Note: All suppliers are not, under any circumstances, to deviate from the required stipulated format for the provision of pricing)	√		√

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11.	Completed form CPA (General) - Escalation formula) with proposal from the supplier			√
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12.	Supplier Evaluation Pack for Service Providers- PAYE(Pay AsYou Earn) questionnaire to be completed and signed by the commissioner of oath				√
13.	Initial each and every page of Eskom Holdings SOC Limited standard condition of tender				√
14.	A signed letter confirming acceptance of Eskom's ECC3 terms and conditions				√
15.	List of Director/s -CK2 or CM 29				√
16.	Condition of Supplier Registration with the Supplier Application Form(Only suppliers who are not registered on the Eskom Vendor Database- Supplier registration is apre-requisite for contract award) (Please note that this is not a Tender returnable, it contain list of required documents to those suppliers who are not yet registered on the Eskom vendor database)				√
17.	Certificate, statement or declaration confirming compliance with the Employment Equity Act of 1998 (if employing more than 50 employees)				√
18.	Completed Standard Bidding Document 1				√
19.	Completed Supplier Declaration of Interest				√
20.	Completed Authority to submit offer/tender(Confirms the authority of the Supplier's representative to act as an authorized agent on behalf of the Supplier)				√
21.	Completed Declaration of Fair Bidding Practices				√
22.	Completed Preference points Claim form in terms of the preferential procurement regulations 2011				√

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23.	Completed Appendix A and B (Commercial)			√
	SHE Returnables			
	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?		√	√
	Safety, Health and Environmental Plan SHE Plan (as per SHE Spec Doc number 240-73416879 Provided)		√	√
	SHE Costing (including Covid19 costing)			√
	Baseline SHE Risk Assessment (BRA) Identification, assessment and management of Safety, Health and Environmental risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA		√	√
	Valid Letter of Good Standing (COIDA or equivalent)		√	√
	SHE policy signed by CEO/ MD- Comply to OHS Act Section 7 or OSHAS 18001		√	√
	SHE Competence (Consider scope of work, risks, OHS plan and applicability) CV,s and qualifications / certificates (List competencies required) As per SHE Spec page 28		√	√
	<u>Quality Returnables:</u> Quality: 1. QM58 - Category 2 will be applicable for this Project. 2. The supplier shall complete and sign Form A (Enquiry/Contract/Quality Requirements for QM 58 and ISO 9001). 3. The supplier shall submit objective evidence of a developed and implemented QMS that complies with ISO 9001:2015 (the latest applicable revision). Other quality standards applicable are listed on the Scope Of Work. 4. The following documents (approved copies) shall be submitted: 5. ▪ Quality Management System manual or a document that			√

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	<p>have defines and describes the QMS and its scope</p> <p>6. ▪ Quality Policy</p> <p>7. ▪ Quality Objectives</p> <p>8. ▪ Control of documented information Records required by ISO 9001 standard (List of Records)</p> <p>9. ▪ Internal audit procedure</p> <p>Control of non- conformity outputs</p> <p>Nonconformity and Corrective action procedure</p> <p>10. ▪ The supplier shall submit the latest copy of an internal management system audit reports. The audit reports must include, if applicable, nonconformity identified, and the resulting remedial actions (correction and/ or corrective action reports).</p> <p>11. ▪ The supplier shall submit a draft contract quality plan that is specific to the scope of work as</p> <p>12. described in the tender documents. The plan must address the minimum requirements as per ISO 10005.</p> <p>13. ▪ The supplier shall submit a draft inspection and test plan (ITP) or quality control plan (QCP) as per the scope of work. The plan must address the minimum requirements as per ISO 10005 (if applicable).</p> <p>14. ▪ The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services.</p> <p>15. The supplier shall submit a copy of documented information for roles, responsibilities and authorities</p>			
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	<u>Environment Returnables</u> <ul style="list-style-type: none"> • Environmental Policy • Detailed Environmental Management Plan • Emergency Preparedness Plans (e.g. oil / chemical spill, disasters, etc.) • Register of all hazardous substances • Material Safety Data Sheets (MSDS) • Waste Management Plan (Method statement) 			√
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APPENDIX B- TECHNICAL EVALUATION CRITERIA

Refer to attached Technical Criteria - SEE APPENDIX B

APPENDIX C

SUPPLIER DEVELOPMENT AND LOCALISATION UNDERTAKING

Section 1: Pre-qualification Criteria

Failure to meet Pre-qualification at tender stage will lead to disqualification

1.1 Minimum BBBEE status level of contributor?

If Yes, what is the BBBEE status and/or level required

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

1.2 Is there BBBEE category targeted for this enquiry?

If Yes, BBBEE category

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

Tender Returnable if the above elements are requirements;

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

1.3 Minimum subcontracting requirement for this?

If Yes, what is the minimum percentage?

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

Tender Returnable if the above element is a requirement;

- Letter of intent or any other requested document indicating commitment and the percentage required must be submitted as a tender returnable.

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- Sub-contracting can only be concluded with the following entities:
 - an EME or QSE which is at least 51% owned by black people;
 - an EME or QSE which is at least 51% owned by black people who are youth;
 - an EME or QSE which is at least 51% owned by black people who are women;
 - an EME or QSE which is at least 51% owned by black people with disabilities;
 - an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships;
 - a cooperative which is at least 51% owned by black people;
 - a EME or QSE which is at least 51% owned by black people who are military veterans

Section 2: Mandatory Compliance for Contract Award

The following requirements are mandatory compliance for contract award and submissions can be clarified during evaluations or negotiated before contract is awarded

2.1 Local Content Designation

a) Is this Commodity or part of it a Designated Sector?

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

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
Steel Products and components	Pipe Works, Bolt, Nuts	100%
Cement	Cement	100%
Electrical and Power cables	Cables	90%
Valves Products and Actuators	Butterfly Valves, Ball Valves	70%
Pumps and Medium Voltage Motors	Pumps	70%

NOTE 1:

Mandatory Returnables:


- (F1) - SBD 6.2 Declaration Form
- (F2) - Annexure C (Local Content Declaration-Summary Schedule

Non Mandatory Returnables:

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- (F3) - Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C
- (F4) - Annexure E-Local Content Declaration- Supporting Schedule to Annexure C.

The DTIC has appointed SABS as the official verification agency for local content in terms of designated products.

A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified

2.2 CIDB Skills Development

a) Is there CIDB compulsory training?

If Yes, what is the % of the Construction Skills Development Goal % (CSDG)

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
0.25%	

Skills Development Eskom Target


Category	Number	Entry Level	Exit Level
Artisans	4	N6	Trade Test Certificate
Mechanical Technicians	2	S3/S4	National Diploma
C&I Technicians	2	S3/S4	National Diploma
Safety Officer	1	Matric	Full SAMTRAC
Total	11		

Mandatory Compliance for Contract Award continues.....

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2.3 BBBEE Compliance

Is there minimum BBBEE level targeted?

If Yes, what is the BBBEE status targeted for this transaction (contractor/s will be required to submit plans to achieve the target level if not met at contract award)

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
Successful tenderer to achieve, maintain or improved a B-BBEE Recognition Level 4 for the duration of the contract	

2.4 Subcontracting Requirements

Is there a requirement for subcontracting?

If Yes, what is the targeted subcontracting percentage

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>
30%	

ender Returnable if the above element is a requirement;

- Letter of intent to subcontract signed by the main contractor to be submitted.

ub-contracting can only be concluded with one or more of the following entities.

- an EME or QSE which is at least 51% owned by black people;
- an EME or QSE which is at least 51% owned by black people who are youth;
- an EME or QSE which is at least 51% owned by black people who are women;
- an EME or QSE which is at least 51% owned by black people with disabilities;
- an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships;
- a cooperative which is at least 51% owned by black people;
- a EME or QSE which is at least 51% owned by black people.


Scope to be subcontracted

- Transportation
- Supply of equipment
- Consumables (Ablution Facilities, Site Establishment and De Establishment etc)
- Installation of power cables
- Supply of PPE
- Supply of Cement
- Removal of the resin
- Installation of all the nozzles in the vessel

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2.5 Enterprise Development

Are there specific ED requirements?
(This ED intervention can either be separate or additional to subcontracting requirements, but duplication should be avoided)

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

If Yes, the main contractor is required propose development in the following areas or against the following Eskom's targets:

Eskom's Target	Tenderer Proposal
N/A	N/A

Local Content Procurement

Eskom's Target	Tenderer Proposal
100%	

Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spend minus the imported component

2.6 Skills Development

Are there Skills Development targets?

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

If Yes, the contractors are required to propose skills development against Eskom's targets:

Eskom's Target			
Category	Number	Entry Level	Output/ Exit
N/A	N/A	N/A	N/A

Section 3: SDL&I Penalty and Performance Security

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Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

One of the following options will apply for SDL&I performance security:

- For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.
- Alternatively the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.
- Panels- Eskom will apply 2.5% retention on every invoice (excluding VAT) after all cumulative task orders awarded to the Contractor/Service Provider that have reached a stipulated threshold as security for the fulfilment of the SDL&I obligations.

Section 4: Reporting and Monitoring

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 30 days after contract award.

Section 6: General Information on Validity of Sworn Affidavits

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

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

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director**, **owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**

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- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

Please note:

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 primary contractor subcontracts with a subsidiary this must be declared in tender documents. Subcontracting is stated on SD&L Appendix.

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

1.3 **TENDER RETURNABLES**

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

Reference	Returnables from supplier	Mandatory returnable for evaluation	Mandatory returnable for contract award
Basic Compliance	One (1) original tender and plus one (1) copy of the original tender	✓	
NEC 3 Documentation	Completed NEC 3 pricing schedule.	✓	✓
SBD 6.2 & Annexure C	Declaration Form and Annexure C (Local Content Declaration-Summary Schedule)	✓	

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• B-BBEE levels/EME/QSE	Original or certified copy of a valid B-BBEE certificate/ Sworn Affidavit CSD number	✓	✓
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars		✓
Annexure C	Integrity Pact Declaration form		✓
Annexure G	Confirmation of receipt of addenda to enquiry document		✓
Annexure H	SBD 1- to be submitted with the tender at tender submission deadline (applicable for all suppliers including Foreign suppliers)		✓
Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
Annexure J SDL&I	Supplier Development Localisation & Industrialisation (SDL&I) Undertaking		✓
COIDA	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)		✓
B-BBEE Certificates/sworn affidavits	An original or certified copy of a valid B-BBEE certificate is required. In the case of EME/QSE, an original or copy of a sworn affidavit.		✓
Tax Clearance Certificates	Foreign suppliers (with a footprint in South Africa) and Local suppliers must submit a printed or copy of its tax clearance certificated as well as their SARS e-filing PIN number and their CSD number for verification by Eskom. Foreign suppliers with no footprint in South Africa, must complete the SBD1 document. No proof of tax compliance is required.		✓
CIDB	CIDB LEVEL 8 ME is applicable. Clause C.2.1. Only those tenderers who are registered with the cidb, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a Or*. class of construction work, are eligible to have their tenders evaluated. (reg 25(1)(1A))	✓	✓

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	Invitation to Tender	Template Identifier	240-114238630	Rev	5
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	June 2022		
Tax Questionnaire	Evaluation questionnaire to be completed and submitted to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		✓		
Signed Sub-contracting intent agreement/signed intent to sub contract	Tenderers must, where subcontracting is a pre-qualification requirement or where it is a mandatory condition of tender, submit proof of signed subcontracting intent agreement	30% must be subcontracted and documents must be submitted at evaluation.			
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).		✓		
Financial statements	Audited Financial Statements of the <i>tenderer</i> for the previous 24 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 AS CONTRACTUAL REQUIREMENTS					
Safety/Quality/Environmental documents as required per scope of works	<u>SHE Returnables</u>		✓		
	Annexure B		✓		
	• Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?		✓		
	Safety, Health and Environmental Plan for Scope of work not limited to the following:		✓		

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	<ul style="list-style-type: none"> • SHE organization within the Company-Responsibility & Accountability 		✓
	<ul style="list-style-type: none"> • SHE Incident management 		✓
	<ul style="list-style-type: none"> • Planning of conduct of work activities including planning for changes and emergency work 		✓
	<ul style="list-style-type: none"> • SHE Costing (including Covid19 costing) 		✓
	<ul style="list-style-type: none"> • Baseline SHE Risk Assessment (BRA) 		✓
	<ul style="list-style-type: none"> • Valid Letter of Good Standing (COIDA or equivalent) 		✓
	<ul style="list-style-type: none"> • SHE policy signed by CEO/ MD-Comply to OHS Act Section 7 or OSHAS 18001 		✓
	<ul style="list-style-type: none"> • SHE Competence 		✓
	<ul style="list-style-type: none"> • SHE Spec for water treatment plant refurbishment together with Eskom Contractor Health and Safety Requirement 32-136 		✓
	<ul style="list-style-type: none"> • Project Based Risk Assessment 		✓
	<ul style="list-style-type: none"> • Covid19 Annexure A PPE Price list 		✓
	<ul style="list-style-type: none"> • Covid19 Directive on Health and Safety in the Workplace Gazette 43400 		✓
	<p>Contractual requirements means the suppliers will submit the tender returnable during the tender close- out. The evaluation will take place once the mandatory and Functionality evaluation have been completed. Only the shortlisted suppliers who passed mandatory and functionality evaluation threshold will be evaluated. The suppliers will be given only ONE opportunity to submit the outstanding documents within 7 working days.</p> <p>Failure to submit the outstanding documents within the stipulated time; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>In the event that there are further documents 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. The SHEQ tender requirements will be communicated in the invitation to tender document and the SHEQ supporting documents will be published in the market. The supplier/contractor will be allowed to commence with work once the SHE</p>		

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	file is approved.		
Environmental Returnables	<ul style="list-style-type: none"> • Waste management • PPE- Personal Protective Equipment • Emergency planning and fire risk management • Vehicle and driver behaviour Safety • Contractor or supplier selection and management • Design and specifications • Competency, training, appointments • Communication and awareness • Management commitment and visible felt leadership 		✓ ✓ ✓ ✓ ✓ ✓ ✓
Due Diligence	Audited Financial statements		✓

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We were 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: ☐

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 number) _____

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	

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

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


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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____

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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. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
7. 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 E-filing 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 required in the specific enquiry, you need to complete 8.1 - 8.9

- 8.1 Confirm if you intend sub-contracting

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. _____

- 8.6 Please confirm B-BBEE level of said sub-contractor _____


- 8.7 Which designated group does the sub-contractor belong to:-

- (a) Black people
- (b) Black people who are youth
- (c) Black people who are women
- (d) Black people with disabilities
- (e) Black people living in rural or underdeveloped areas or townships
- (f) Cooperatives which are 51% owned by Black people
- (g) Black people who are military veterans

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

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

8.9 Have you attached proof of sub-contractors belonging to designated group?

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

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: _____

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

(Form to be completed and signed by supplier/tenderer as Invitation to Tender returnable or as part of contract modification documentation)

ANNEXRE C: DECLARATION OF INTEREST

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)); and
- **a juristic person is “related” to another juristic person if :-**
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/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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Position within tenderer (e.g. employee/Director/member/owner/shareholder)	Number	details (including employee number) if you are a State/State owned entity employee/contractor/director.	Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest(marital/familial/personal/ financial etc.)	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.
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____

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.

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

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

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

Item	Question	Yes	No
1.1	Is the <i>tenderer/s</i> (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, or 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 Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with		

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	respect to the procurement/tendering processes/procedures during the past five years?		
1.2.1	Provide details.		
1.3	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		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

(A copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur

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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).

ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

1. APPLICATION OF CPA

Eskom requires tenderers to submit offers that are in full accordance with the Project Sourcing CPA principles as contained below.

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.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- 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:

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

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- 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

3. **ESKOM'S PRESCRIBED INDEX LIST**

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

4. **FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE**

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

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

5. **NUMBER OF FORMULAE & INDICES**

- The Tenderer is Ltd 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.
- The Tenderer is Ltd to a maximum of 10 (ten) CPA formulae, i.e.: a maximum of 5 for the local portion and a maximum of 5 for the foreign portion, per offer/agreement.

6. **CPA FIXED PORTION**

A minimum of 10% of the total agreement value is to be fixed when a CPA formula applies.

7. **BASE DATE**

- 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

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- 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
- In this case, the following shall apply:
 - 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
 - Where a high, low and mean are published:
The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published:
The Cash Settlement or Cash Sellers Price
- Where applicable, these principles, must also apply for the CPA “cut-off” date.

Signed _____ Date _____

Name _____ Position _____

Tenderer _____


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

Labour	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) OR SEIFSA, D-1 (CPI)
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid		StasSA, PO142.1 (P1000002), PPI all groups OR SEIFSA, U (Domestic Output)

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Closing date of tender / /

TENDERER'S SIGNATURE _____

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ANNEXURE G



CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

We confirm that the following communications received from the *Employer* before the submission of this **tender**, amending the tender documents, have been taken into account in the **tender**.

Item	Date Received	Title or Description
1.		
2.		
3.		
4.		
5.		
6.		

(Attach additional pages if more space is required)

Name and Designation

Signature

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ANNEXURE H

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MPKEN10205GXR1	CLOSING DATE:	22 August 2022	CLOSING TIME:	10:00
DESCRIPTION	REFURBISHMENT OF THE KENDAL WATER TREATMENT PLANT				
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					
	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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE SERVICES 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:		

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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

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3.	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.
1.4.	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.
1.5.	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.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	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.
2.3	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.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

Annexure I

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- a) The value of this bid is estimated to _____ R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable;

Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.2 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.3 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.4 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in

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section 1 of the Broad-Based Black Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left[1 - \frac{P_t - P_{\min}}{P_{\min}} \right]$$

Where

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

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?
(***Tick applicable box***)

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

7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor
- The B-BBEE status level of the sub-contractor
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM


- 8.1 Name of company/firm: _____
- 8.2 VAT registration number: _____
- 8.3 Company registration number: _____
- 8.4 TYPE OF COMPANY/ FIRM

- Y Partnership/Joint Venture / Consortium
- Y One person business/sole propriety
- Y Close corporation
- Y Company
- Y (Pty) Limited
- [TICK APPLICABLE BOX]

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8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

☐ Manufacturer
☐ Supplier

☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:


8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) 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;

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- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

9 **PRICING RETURNABLES**

Please see attached NEC3 Construction and Engineering Contract (ECC) Pricing and complete

WITNESSES

1.
2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

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