

	Invitation to Tender/ Request for Proposal (RFP) - MWP2143GX	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		

ESKOM HOLDINGS SOC LTD
REQUEST FOR PROPOSAL (RFP)
FOR

**THE PROVISION OF PHYSICAL GUARDING AND SECURITY SERVICES FOR THE
KOMATI WATER SCHEME (KWS) FOR A PERIOD OF 3 (THREE) YEARS**

Tender number/ RFP number	MWP2143GX
Issue date	15 August 2023
Closing date and time	07 September 2023 at 10h00
Tender validity period	30 weeks from the closing date and time
Clarification meeting (Compulsory)	Date: 24 August 2023 Time: 10:00 am Venue: via Microsoft Teams (Please send the request to be invited via e-mail to: MabulaL@eskom.co.za)
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Megawatt Park Tender Office Northside 1 Maxwell Drive Sunninghill, Ext 3

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4. Scope of Work Statement
5. NEC3 TSC – Term Services Contract (attached as a separate document)

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1. INVITATION TO TENDER/REQUEST FOR PROPOSAL

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for

The provision of physical guarding and security services for the Komati Water Scheme (KWS Pump stations that are National Key points and Pipeline servitudes) as well as patrols of the Kendal to Kusile and Matla to Kriel water supply pipeline situated in the Mpumalanga Province for a period of 3 years commencing 1 April 2024

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/RFP - MWP2143GX] 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 /RFP documents may be addressed to the Eskom Representative (Lehlo Mabula: MabulaL@eskom.co.za)

Yours faithfully



Procurement Manager

Sagie Chetty: Senior Manager Coal

Date: 2023-08-15

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1.1 Eskom Standard Conditions of Tender

The Tender 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/Request for Proposal**; 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.

1.2 Tender Data

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Lehlo Mabula Tel: 011 800 6298 E-mail: Mabulal@eskom.co.za
1.3 Enquiry documents	The Invitation to tender /RFP number is: MWP2143GX See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <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. Tenderers are deemed ineligible to submit a tender/ if • 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. • Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium

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	• [Tenders/proposals] 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/RFP] process, if: ○ they have a controlling partner/majority shareholder in common; or ○ 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. Ineligible tenderers will be disqualified.
2.2 - 2.5 Tender Closing	The deadline for Tender submission is: Date: 07 September 2023 Time: 10:00am Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: Eskom Megawatt Park Tender Office Northside 1 Maxwell Drive Sunninghill, Ext 3
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is 30 weeks from the closing date and time.
2.16 Site/clarification meetings	A compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 24 August 2023

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	Time: 10h00 Venue: Microsoft Teams (virtual meeting) <i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee. Please note that if the tender stipulates that a clarification meeting is mandatory/compulsory; then tenderers must attend such meeting. Those tenderers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 (five) working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	The conditions of contract will be the NEC3 TSC E _ Cost Reimbursable Secondary Options W1; Dispute resolution X1: Price adjustment for inflation X19: Task Order X20: Key performance indicators Z: Additional conditions of contract
2.31 Provision of security for performance	N/A
3.4 Opening of tenders	Tender opening will not take place
3.5 Prices to be read out	N/A
3.9 Basic Compliance	Basic compliance for this invitation to tender/ RFP are: • 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.....)
3.10 Mandatory tender returnable	Mandatory tender returnable required for scoring are listed hereunder. Tenderers who do not submit mandatory tender returnables as at stipulated deadlines will be disqualified Only tenderers that meet all (100%) of the below mandatory requirements will proceed to the next stage of functional evaluation Commercial mandatory requirements for evaluation.

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	• Integrity Pact Declaration form • NDA • Completed NEC3 pricing and contract data. Technical Mandatory requirements 1. Provide a valid PSIRA certificate for the company (Certified copy not older than 90 _days) 2. Provide proof that company directors are South African (proof of valid SA identity document). Certified copy not older than 90 days. To be supplemented with a confirmation from Home Affairs. 3. Provide a valid PSIRA letter of good standing (not older than 90 days from the date of issue). Certified copy not older than 30 _days. 4. Provide Valid Private Sector Security Provident fund (PSSPF) compliance letter 13a. Certified copy not older than 30 days. 5. Provide proof of UIF compliance certificate (not older than 12 months from the date of issue) (letters of intent will not be accepted). 6. Provide proof of company vehicles (4x4) at least two (2) vehicles. Certified copies not older than 30 days of vehicle registration certificates or lease agreements. 7. Valid Letter from SAPS issued by the NKP office indicating company's application for registration to offer services at National Key Point. Certified copy not older than 90 days. 8. Provide proof of public liability insurance min R15M (letters of intent will not be accepted). Certified copy not less than 90 days. 9. Provide proof of valid firearm registration and licenses for firearms in the possession of the company (Issued by SAPS). Certified copy not less than 90 days.
3.11 Pre-qualification criteria	N/A
3.12 Designated materials and thresholds	N/A
3.13 Functionality requirements	Functionality requirements are applicable

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	Functionality will be evaluated on a total weight of 100% with a minimum threshold of 80% that will be considered for selection. The functionality evaluation process will be a two-stage process comprised of a desktop evaluation and an on-site evaluation. The Technical Evaluation Team (TET) will follow the following methodology for Premises/Site evaluation and verification for competency, capacity, and capability criteria based on the following. - Each criterion to be rated against allocated scores - Weightings will be applied to calculate total functional score The following criteria will be applicable for this transaction under functionality criteria: <table border="1"> <tr> <th>Criteria</th><th>Weight</th></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td>Threshold</td><td>80%</td></tr> </table> Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further	Criteria	Weight					Threshold	80%
Criteria	Weight								
Threshold	80%								
3.15 Evaluation of price	Prices will be evaluated as follows: - Exclusive of VAT - Making the specified correction for arithmetical errors - Excluding contingencies in any bill of quantities or activity schedule. Prices will be scored out of 80 points								
3.16 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, tenderer will be disqualified. The tenderer who has submitted the relevant B-BBEE status documentation will, however, be evaluated on the 80/20 points system as per PPPFA. The tender will however be awarded 80 points for technical evaluation score and 20 points on BEE evaluations score and 20 points on B-BBEE evaluation score points.								
3.17 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]: - 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or 80/20 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.								
3.18 Objective Criteria (if applicable)	Objective criteria are applicable .								

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	The following objective criteria apply: - Due to the inherent risk to security services contracts, suppliers will be awarded contracts based on the outcome of the Preferential Point System, with a view on the financial stability and capacity. Capacity shall include capacity to execute the scope awarded and ability to meet the site security services requirements. Please note: - • “Eskom reserves the right to award the tender to a supplier who may <u>not</u> be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made. • Tenderers will not be disqualified if they do not comply with the objective criteria • Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.
3.20 Reverse e-auction (if applicable)	N/A
Contractual Requirements (If applicable)	Applicable contractual requirements will include amongst other the following: • SHEQ requirements; and • Tax Compliance (CSD) • SDL&I Matrix Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer can meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. If there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract. Documents/requirements are attached to this Request for Proposal.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	N/A

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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 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 Commercial Tender Returnables

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnable mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	Two (2) hard copies of the tender	✓	
Pre-qualification criteria:	N/A		
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA(IG) for imported goods/services (if applicable)	N/A	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E <i>[only applicable where designated materials are included]</i>	N/A	
Annexure G (applicable for all suppliers including foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development & Localisation (SD&LI) Undertaking (If applicable)			✓
Reverse e-auction training acknowledgement form (If applicable)	N/A		
Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	

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	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)	✓	
	“Proof of B-BBEE status level of contributor” means: - (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act. (As may be applicable for the particular tendering entity)	✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
*“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.	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
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		✓

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	document, however no proof of tax compliance is required.		
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
CIDB (where applicable)	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	
Shareholding	Shareholding organogram and detailed 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)	✓	
NEC/FIDIC Documentation	Completed NEC pricing schedule and contract data.	✓	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (If applicable to scope of work)	<i>All PSIRA Compliance Certificates (company and directors, etc.) Company Registration</i>	✓	
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
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	Form A and Quality Requirements		✓
Environmental	The successful bidder should comply with environmental management systems of the		✓

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	site including the operation control procedures (work instructions) such as waste management, water management etc		
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/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	Refer to evaluation criteria provided in Appedices	✓	

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2. LIST OF ANNEXURES

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

We agree to provide the cataloguing information as described in the *tender submission*. ☐

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]***

☐ _____

We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐

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/Request for Proposal No: _____

Name of company/JV: _____

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Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline): _____

Cell phone: _____

e-mail address: _____

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

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

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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 Efiling system, please provide your pin number in order to verify your tax compliant 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 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? _____%

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. 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

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

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

1. DECLARATION OF INTEREST

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

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

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section 2(1)); and

- **a juristic person is “related” to another juristic person if:-**
 - 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));
 - either is a subsidiary of the other; or
 - 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.

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

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

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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.

A **[tender/proposal]** 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	No
1.1	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 <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> The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za)		

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1.2	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) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za)		
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	<i>Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?</i>		

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.

--	--

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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 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

1. 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.

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:

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

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3. 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.

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred 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 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.

6. 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.

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
- 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:

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The Cash Settlement or Cash Sellers Price

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

8. 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	_____		

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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, PO142.1 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 allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI - Final Manufactured Goods - Or - Intermediate Manufactured Goods OR - SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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Table 2: Preferred Foreign Index List

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 E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed.

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.
Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method.

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

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

Payment Method 1B;

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

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- Service related payments are excluded from this option;

Applicable(Y/N) or

Payment Method 2:

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

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Please note:

- The contracting party has to be the direct importer of the goods.
- This payment option is not applicable for the payment of services

Applicable (Y/N).....

An indemnity in writing confirming that the supplier will not buy forward cover is required where Payment Method 1 or 2 is contracted.

[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender closing date. If it is not approved before tender closing, Payment Method 1 will be the default.]

Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

Applicable (Y/N).....

Please note: Eskom will require substantiating proof of importation at the time of invoicing, if payment methods 1A,1B and 2 are selected.

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

PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)

Please note that the tenderer is required to submit proof of the SARB rate/s used.

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	

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Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

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

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

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

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

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

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4.2 EXPATRIATE LABOUR METHOD

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

4.3 OTHER VALUES METHOD (e.g. Engineering fees, design fees, barging, inland transportation, etc.)

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

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

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

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

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

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

x is the imported content in Rand

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

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.

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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.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation.

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

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 dti must be informed accordingly in order for the dti 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 together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid 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:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R

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Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

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

(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 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

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

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

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

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

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

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
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]	☐ Yes ☐ No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	☐	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
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.

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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)? ☐ YES ☐ NO

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

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

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

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

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

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ANNEXURE H

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 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 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

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 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.

1.6 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.

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2. DEFINITIONS

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

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3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

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 of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

7. SUB-CONTRACTING

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

(***Tick applicable box***)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

- iv) 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		

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OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of Company:.....

8.2 VAT registration No.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

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;

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- 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 –
- disqualify the person from the bidding process;
 - recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - 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;
 - 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
 - forward the matter for criminal prosecution.

WITNESSES 1. 2.	 SIGNATURE(S) OF BIDDERS(S) DATE:
--	---

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3. LIST OF CONTRACT REQUIREMENTS APPENDICES (*Attached as separated documents*)

The following documents under each requirement are attached and they form part of the Contract requirements.

Please sign and return the below document to acknowledge compliance to required standards

Appendix A : Occupational Health and Safety: OHS Evaluation Criteria

Appendix B : Supplier Development and Localisation Matrix

Appendix C : Quality: Form A

Appendix D : Quality: List of Tender Returnables

Appendix E : Technical Requirements

Appendix E : Desktop Evaluation Security Criteria

Appendix F : Technical On-site Evaluation Criteria

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4. SCOPE OF WORK STATEMENT

DESCRIPTION OF THE SERVICE

EXECUTIVE OVERVIEW

- The required services for KWS security are Category C, as defined by the Private Security Industry Regulatory Authority (PSIRA), which is a 24/7 security operation, including:
- Trained Armed Grade C security guards for static security purposes to protect NKP and non-NKP sites, (Static referring to located within a site and will include foot patrols, searching of vehicles and persons)
- Armed Grade B security guards for vehicle patrols
- Armed response on security breaches Emergency Preparedness Appointments at the Pump Stations
- Ad-hoc services to be included in the rate (as and when required)

EMPLOYER'S REQUIREMENTS FOR THE SERVICE

The scope of work is the provision of Category C - 24/7 all-inclusive physical security services, namely:

- Armed static guarding, access controls and foot patrols around the pump stations
- Control room monitoring at the pumpstation
- Armed vehicle response
- Armed escorting and monitoring services,
- Pipeline patrols
- Emergency preparedness appointments

ACCESS CONTROL

Access control activities at all pump stations (Vygeboom, Bosloop and Nooitgedacht/Wintershoek) that are NKP's, which prescribes that only AUTHORISED persons, vehicles, vessels, tools, equipment, objects, and materials shall be permitted to enter or leave Eskom installations or specific designated areas within the facility, building or property.

For ease of reference the access control of which the security guards need to familiarise themselves with is managed by undertaking the following,

- Ensuring that there is a complete and accurate record and register of all individuals entering the site/workplace both during and after work hours.
- Ensuring every person entering the site/pump station premises, office, site, or area must have a legitimate reason to be present and must be positively identified and screened by security officials on entry and exit,
- Managing the removal of assets (both in and out of the site/pump stations)
- Testing all persons for Alcohol use/consumption on entry and exit

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- Confirming visitors (using the visitor register on site, calling relevant Eskom person to verify ID, purpose etc)
- Searching of vehicles entering and exiting the Pump station.
- Induction will be given to guards regarding the access control procedures and processes for monitoring on the KWS sites.
- All security guards must familiarise themselves with the site-specific procedures on access control including identifying of persons entering and searching of vehicles
- The KWS Access control procedure guides the above
- All access points are visual monitored on 24/7/365 basis
- All alarms are monitored and responded to
- All security technologies (CCTV's, etc) that are hosted in the control rooms are monitored and security breaches and alarms are responded to
- All security guards must ensure that the familiar with the procedures and rules of the control room
- All security that are on foot patrol to be monitored via CCTV and Radio
- Respond to panic buttons from security guards and/or visitors

CONTROL ROOM MONITORING

Monitoring of the control rooms at all pump stations (Vygeboom, Bosloop and Nooitgedacht/ Wintershoek) that are NKP's

PATROLS (FOOT PATROLS AND VEHICLE PATROLS)

The patrol guarding function will include and is not limited to:

PATROLS

Both foot and vehicle patrols teams, shall provide a real time guard monitoring or guard patrol capability. The service provider and the system shall be capable of generating monthly reports, in line with service delivery:

- Execution of crime prevention patrols and armed response at the critical network infrastructure and hotspot areas including any other specified sites within regional boundaries.
- Perform armed response activities to substations, Eskom offices, and network infrastructure and hotspot areas in the assigned area of operation.
- Provide escort duties to Eskom employees and *contractors* while working in hotspot areas and as required by Eskom.
- Visiting and patrolling of Eskom sites at irregular intervals and not in a specific sequence, to detect the presence of unauthorized person, suspicious activities or occurrences that may endanger personnel or critical network infrastructure.
- Prevention of unauthorized removal of Eskom assets from Eskom sites and network infrastructure.

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- The patrol teams will be expected to report for duty at a specified Eskom site before commencement with patrol activities. Eskom reserves the right to change the reporting base within the boundaries of the allocated geographical area.
- The Komati Water Scheme Head of Security or his/her delegate reserves the right to re-direct crime prevention activities in his/her area of responsibility.
- No deviations from the operational plan without the authorization of the Eskom Head of Security or his/her delegate will be permitted.
- Panic Button with armed response
The tender shall be detailed in terms of its requirements for panic buttons. The cost for panic buttons and armed response by the firm contracted by the service provider for armed response shall be charged separately. a) Vehicle patrols using a 1-ton bakkie with 4x4 capability.
- Vehicle patrols are undertaken with a minimum of two Grade B security guards, which include supervisory visits between the pump stations, Servitude patrols, and armed responses and escort services.
- The servitude patrols shall include the entire (Komati Water Scheme pipelines which extends from Vygeboom Dam (Near Badplaas) to Duvha Power Stations (Near Witbank), the Kendal to Kusile pipeline and the Matla to Kriel including hot spot areas as determined on an adhoc basis,
- The service provider (Grade B security guard/supervisor) and the head of security shall agree upon patrol plan for the week ahead by Friday of the current week.
- The kilometres travelled for these patrols will be determined from the agreed starting point or agreed overnight storing place of the vehicle on the KWS, which will include security meetings, investigations etc on the site. Any travel outside the scheme, or areas not approved by the head of security shall not be paid for by the employer.

FOOT PATROLS WITHIN THE PUMPSTATIONS

The static/physical guarding function shall undertake foot patrols along the perimeter fences of pump stations (Vygeboom, Bosloop and Nooitgedacht/Wintershoek) that are NKP's and specific areas within the pump station. This is to:

- Identify, assess, and report any defects of the electric fence or inner or outer non-energised fence
- Identify, assess, and report all security treats both within and outside the perimeter fence

VEHICLE PATROL AND SECURITY PATROLS

The service provider shall provide fully trained and competent armed patrols security guards (Grade B) with NKP Competency, training, and accreditations to undertake these guarding duties along the servitudes, crime hot spots and other areas determined by the head of security and the contract manager.

- Vehicle patrols is to be undertaken using a 1-ton bakkie with 4x4 capability
- Vehicle patrols are undertaken with a minimum of two Grade B security guards, which include supervisory visits between the pump stations, Servitude patrols, and armed responses and escort services.

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- The service provider (Grade B security guard/supervisor) and the head of security shall agree upon patrol plan for the week ahead by Friday of the current week.
- The kilometres travelled for these patrols will be determined from the agreed starting point or agreed overnight storing place of the vehicle on the KWS, which will include security meetings, investigations etc on the site. Any travel outside the scheme, or areas not approved by the head of security shall not be paid for by the employer.

ESCORTING SERVICES/ARMED TACTICAL RESPONSE

- Escort services to be costed separately and only to be used on instruction of the contract manager.
- The escorting services/armed response is ad-hoc but must be immediately available on request by the Contracts Manager.
- A 48-to-72-hour notice to the Security Service provider will be given, to ensure the availability of sufficient armed escorting personnel and vehicles. Requests be made by the Head of security or contracts manager.
- The rate for kilometre that is reimbursed is as per the patrol rate for kilometres travelled
- Armed escorting services entail the escorting of Eskom personnel and contractors during and after hours in high-risk areas, and situations as determined by security risks and treats.
- Ad-hoc Services (consisting of an armed driver, armed crew member and a suitable vehicle) shall be required for escorting services on an “as and when” required basis.
- Guards doing the armed escorting duties must comply with the following requirements and must be capable of rendering the service as follows:
- The armed escort team/s must be in constant contact with a control room for regular reporting and to obtain assistance when needed. A proper register must be kept at the control room containing situation reports, incident reports and any communication with the armed escort team.
- A proper register must be kept at the control room containing situation reports, incident reports and any communication with the armed escort team.
- The armed escort team must do the escorting in a tactically sound manner:
- Possible ambush positions must be secured before the Eskom members being escorted are allowed to proceed through the position. Information on routes to be travelled, pickup and delivery points to be provided to the escort team beforehand.
- When the site where the Eskom members are to perform their duties is reached, the armed escort team needs to secure the area before the Eskom employees commence work.
- The armed escort must take up a position for all round defense of the area where the Eskom employees are working and be constantly vigilant and conduct situation awareness.
- All armed escort vehicles shall be equipped with a local global positioning system or Satellite Surveillance or any other system that would assist them.

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- The armed security guards are to travel in their own vehicle and provide protection to the Eskom employee/s.
- The security guard shall be required to meet the Eskom employees at an Eskom site or predetermined place; escort the Eskom employee for the required period and then return to where they first met or an alternative drop-off point.

ARMED TACTICAL SECURITY OFFICER MINIMUM REQUIREMENTS:

- All Security officers must be registered with PSIRA at the required grade in compliance to PSIRA Act 2001 (Act No. 56 of 2001).
- Have up to date SAPS Firearm competency certificates with strict adherence to the Firearms Control Act.
- Armed Security officers must always carry Company issued Firearm permits whilst on duty, as per the Firearm Control Act.
- Accredited valid training certificates with results (Regulation 21), Firearm Control Act, 2000 (Act No. 60 of 2000).
- Accredited Level 1 First aid and firefighting training.
- Armed Security officers must have completed SASSETA business purpose training on the specific firearms they are expected to use.
- 9mm pistols for self-defence.
- Semi-automatic rifles for escort duties.
- Only Company licensed firearms to be issued to Security Escort officers.
- Updated service record for the firearms and adequate ammunition to be issued.
- Valid South African driver's license (EB).
- Armed Escort Officer shall be physically and mentally fit to perform the nature of duties as detailed in this scope of works.
- Have the expertise to, but not limited to legal aspects and the use and handling of firearms.
- Results of Criminal background checks (AFIS accredited service providers) of the Escort Officers not older than 3 months from the date of deployment. Reports shall be provided prior to the agreed upon deployment date.
- Security officers will be expected to sign a declaration of Secrecy before commencements of their duties in terms of this contract.
- Copies of signed PSIRA Code of Conduct of all Security Officers deployed at sites.
- Security officers should not have been convicted of any criminal offence and should disclose all pending criminal prosecutions against them. Non-disclosure of such will result in the officers' automatic removal from Eskom site or duties and the contractor held liable for any losses or damages incurred as a result thereof.
- Security officers must be able to read and write and express themselves well in English.
- Security Officers must be always sober.
- Security Officers must be issued with PPE and Safety shoes.
- Security Officers must be issued with Level 3 bullet-proof vests, handcuffs, torches with spare batteries, pocketbooks, and pens.
- Security Officers to be issued with cell phones with adequate airtime.
- A proper register must be kept containing situation reports, incident reports and any communication means with the armed escort team.

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SHIFT RELIEF/ HAND OVER PROCEDURE

- A formal Shift relief handover will be done daily as prescribed below:
- A Security guard shall not leave his/her post of duty unless his/her relief has arrived.
- The Security guard will not leave his/her post of duty until the delegated Eskom employee or security supervisor has arrived and is satisfied that all is in order.
- The security guard taking over must satisfy himself/herself that all is in order before accepting full responsibility. He/she must check that any equipment, torches, two-way radios, telephones, firearms, etc are on hand and in operational order. He/she must also ensure that all required registers are up to date and on hand. Should there be any keys on hand, these must also be checked.
- The security guard taking over duty must make an appropriate entry in the OB thereby verifying that all is in order at shift take-over. Any shortcomings must be reported to the security supervisor and Eskom Head of Security. It must also be recorded in the OB.
- The security guard going off duty and the one reporting for duty will do one foot patrol together to ensure that all is in order before duty is handed over.
- The Security guard going off duty must stay and witness the security guard taking over. He/she must make an entry in the OB stating his/her name and that he/she has handed over duty and full responsibilities to the new guard, stating his/her name. He/she must also state everything is in order and all equipment used is operational.
- The new Security guard must make an OB entry confirming that duty and responsibility have been taken over. He/she must also confirm that everything is in order and all equipment is on hand and operational
- **NB:** The Security Service providers' duties are not limited to the above but shall include any other legal security activities that Eskom may introduce to enhance security in the Operating Divisions, in line with the security services outlined here above and such activities shall be communicated to the Service provider in writing.

COMMUNICATION

The service provider must ensure suitable continuous communication between operational control room and their deployed staff. Either one or more of the following mediums of communications shall be provided as per user requirements: hand-held(two-way) radios, satellite radio, contracted cell phones, base radios, and push to talk (PTT).

- Where the site requires that two-way radios be part of the security equipment, these radios must be provided.
- The number of radios required will be determined by the Eskom Head of Security
- Battery chargers must also be provided to ensure that at no time the radios are inoperable due to flat batteries. The Service providers are to ensure that batteries should also be on site for use while the initial batteries are being charged.
- Such radios must be able to communicate with THE SERVICE PROVIDERs control room 24hr where necessary.
- Communication checks to be conducted weekly and confirmed in the OB daily.

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SECURITY REGISTERS

- The Security Service provider will be required to provide with the Occurrence books, Visitors and After-hours registers. Occurrence book to be correctly completed by Security guards and supervisors listing all occurrences and visits on site.
- The OB must be completed to indicate the following:
 - Shift start time, personnel postings,
 - Record inspection results and activities on hourly basis.
 - Report all emergencies and possible illegal activities to the designated managers.
 - Ensure that no unauthorised person enters the premises.
 - Logging of Patrol of the facilities and perimeters of the site.
- Visitors register to be completed daily and filed on site for future reference and pages must be numbered.
- Contractor must ensure that quality registers are provided. Register must remain bonded, with no loose pages.
- Accurate records of all occurrences are to be kept for a minimum of 12 months post the occurrence and should be made readily available to Eskom at any time.

OTHER REGISTERS / DOCUMENTS INCLUDE:

- Posting Sheets
- Patrol reports
- Firearm hand over / take over register
- Firearm permits
- Firearm Discharge register
- Inspection Reports (weekly and monthly)
- Removal permits
- Weekly, monthly inspection registers.
- Section report registers
- Monthly safety inspection register
- Meter reading register
- Pocket book
- Found property register
- Removal permit register
- Take meter readings in the pump station (daily) • stock control register

INCIDENT REPORTING AND INVESTIGATION

- All incidents and response to incidents must be handled according to the relevant SOPS and/or work instructions for each site.
- All incidents (including incidents in terms of the Occupational Health and Safety Act), should be reported immediately, and within 24 hours and a preliminary investigation report (Flash report) provided. A final Incident investigation report must be complete within Seven (7) days.

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- Crime incidents shall be investigated, and a report should be submitted timeously to the Eskom Security Operations Guard and Eskom Security contracts manager.
- The SAPS must be contacted immediately only for criminal incidents or suspected ongoing criminal activities.
- Weekly status reports are to be supplied by the service provider.
- The contractor is to ensure that all involved personnel are available for relevant court proceedings, incident investigations and assist Eskom and the SAPS in their investigations as and when required.

RESPONSE TO EMERGENCIES

An “emergency” is any incident or actions that require the evacuation of a site/ affected area.

- Assist in emergency situations as instructed by the Head of Security as per site specific emergency plans
- Assist in executing the evacuation procedures as applicable to the site
- Ensure that all persons, employees, information, and assets are protected
- Appropriate training in safety evacuation and emergency procedures
- Emergency contact numbers will be made available by Supervisor/ SM, can be found in the site control room of which security personnel must familiarise themselves with.

DOCUMENTATION

The following documentation is to be supplied by the security service provider at least four (4) weeks before a Task order can be issued and commencement of the contract.

- List of all potential security guards intended to be deployed on Eskom sites in terms of this contract.
- Certified ID copies and PSIRA certificates of all security guards.
- Copies of NKP competency certificates and or NKP training results for those still awaiting their issuing of NKP competency certificates.
- List of all firearms to be used and certified copies of the licenses.
- Certified copies of all Security guards’ SAPS firearm competency certificates.
- Certified copies of SASSETA business purpose training certificates for all armed Security guards.
- Certified copies of the company and Directors PSIRA registrations certificates.
- Criminal check records as proof that the Security guards have not been convicted of any criminal offence.
- Certified copies of Advance driving course, for all drivers.
- A list of all vehicles and maintenance records for vehicles to be used as per this contract.
- Driver risk profiles must be submitted for every driver as per this contractor.
- A compressive risk assessment and a site risk assessment report for all sites.
- Emergency Preparedness procedure with relevant contact details.
- Equipment list per site.

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- Standard operating procedures per site to include the following but not limited to and should be approved by Eskom representative before application:
- Wearing of uniform standard.
- Communication procedure.
- Firearm handling procedure.
- Shift changes.
- Response process.
- Grievance procedures and sick leave procedures

SALARIES AND PAYMENT

Security Service Providers shall pay security guard at least the minimum wage specified on the Sectorial Determination, of the Private Security Sector, South Africa. Register all security guards with the Department of Labour: UIF, COID and provident fund.

TRANSPORTATION OF SECURITY GUARDS

Eskom shall not pay additional costs for the transportation of guards to and from work as these are provided for in the 20% overhead fee for security services.

RESOURCES PROVIDED BY THE SERVICE PROVIDER

The resources required to perform this scope of work is tabled below. The resource list is informed by the KWS security plan, treat and risk assessment, and the current limitations on permanent Eskom Employees. The equipment (Vehicles and Panic Button) is priced outside the equipment that is required and included in the price schedule of the PSIRA rates.

Table 1: Resources provides by the service provider for the scope

Site Name	Static Guarding				Roaming Guarding		Equipment paid by Employer (i.e. not included in PSIRA rate)	
	Dayshift (Grade B-Armed NKP Accredited)	Nightshift (Grade B-Armed NKP Accredited)	Grade C NKP Dayshift	Grade C NKP Nightshift	Grade B NKP Dayshift	Grade B NKP Night Shift (But at stationing at a pre-determined pump station waiting to respond to emergencies)	Panic Button	Patrol Vehicle
Nooitgedacht/Wintershoek Pump Station (NB this is one site)	1	1	4	4	2	2	1	1 off 4x4 up to 2000 km per month (Crime and emergency responses)
Bosloop Pump Station	1	1	4	4			0	0
Vygeboom Pump Station	1	1	4	4			0	0
servitudes and pipelines	0	0			2	2	1	Patrols 1 off 4x4 up to 7000 km per month
Total	3	3	12	12	4	4	2	2

NB – the vehicle can be interchanged as needed, however the total accumulative kilometres must exceed the allowed contract kilometres

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The Service provider must:

- Be registered with the Registrar of companies, SARS, COID and PSIRA.
- Be a well - established company and in existence for at least 2 years with an office/control in Mpumalanga Province.
- Have access to licensed firearms.
- Have access to a PSIRA and SASSETA registered training facility.
- Be able to supply, sustain and manage enough Security guards to satisfy the requirements of Eskom Komati Water Scheme.

The service provider shall, supply ESKOM with the following:

- Detailed plan of home-work-home transport for its employees (where applicable) Transport of guards will not be on the back of bakkies/ or similar vehicles. Safety belts must be worn by all guards when transported.
- Detailed list of firearms and ammunition required for the job and appropriate magazines and holsters.
- List of all operational equipment as required and/ stipulated by Eskom.
- List of responsible individuals for the control and registry of service provider firearms during shift handovers.
- Medical and PSIRA certificates for each employee.
- Detailed plan to supply additional personnel in case of emergencies (AD-HOC) and special projects at Eskom.
- Detailed strike management plan and a list of manpower to counter shortfalls during labour actions.
- Fitness test/ medical competence and firearm competence certificates as stipulated by Eskom.
- The Service provider shall provide security guards who have the necessary qualification, skill and expertise and have passed appropriate training courses approved by the PSIRA. It is the inherent responsibility of the Supplier to ensure that the entire security guard's registration numbers are currently valid.
- The Service provider shall ensure that the security guards guard are neatly always attired in full uniform, and they must be provided with the equipment necessary for the efficient performance of their duties and responsibilities, to ensure the highest level of service to be rendered at any given time.
- The Service provider will ensure that the security guards guard are registered, trained, and qualified at the grade required by Eskom.
- The Service provider must comply with all relevant legislation: Acts, Provincial Ordinances or by-laws and Private Security Industry Regulatory Authority requirements
- Security guards must be firearm competent it SAPS firearm competency (where applicable).
- Firearm competency certificates and PSIRA identification cards must be carried whilst on duty at an Eskom site.
- Operations manager must have proven security industry experience and be registered with PSIRA

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HEALTH AND SAFETY RISK MANAGEMENT

The *Contractor* shall comply with the health and safety requirements within KWS.

The supplier shall provide the following:

- Occupational Health and Safety appointments in accordance with the Occupational Health and Safety act.
- Approved safety plan

SAFETY REQUIREMENTS

- All vehicles utilized to transport staff, must be fitted with SABS approved seatbelts.
 - No transporting of persons on open /Vehicle shall be allowed.
 - The Service provider is responsible to ensure that the security guards deployed at Ad-hoc sites have access to a shelter, water, and sanitation.
 - All Security guards should receive a safety induction before they can be deployed on Eskom sites.
 - Safety recommendations following an incident shall be implemented by all Security Service providers to prevent further reoccurrences at any of the Eskom site, as per allocated timeframes.
 - Open fires, the use of bar heaters and hotplates as heaters at Eskom sites, is totally prohibited.
- Security guards should observe the provisions of the Criminal procedure Act and all relevant legislation regarding the use of minimum force. Security guards should at all-time use minimum force sufficient to bring the situation under control and such force shall cease as soon as the situation is brought under control. No deliberate assault on suspects will be condoned

MINIMUM REQUIREMENTS OF PEOPLE EMPLOYED

All Security personnel deployed must be trained in terms of the various legislative requirements.

- (Private Security Industry Regulatory Authority (PSIRA),
- National Key Point (NKP), Firearm Control Act (FCA).
- All Security personnel to comply with the continuation and refresher training in terms of the NKP and FCA.
- All Security personnel to be trained on the Contractor's Human Resources and Industrial Resources policies and procedure such as: sick leave, grievance hearings, disciplinary hearings, ethics, safety etc
- All Security guards, equipment, tools, and training deployed by the Service Provider to Eskom sites must comply and adhere to Eskom policies and all relevant national legislations. (Annexures attached)

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1. PEOPLE RESTRICTIONS, HOURS OF WORK, CONDUCT AND RECORDS

- Working times determined by PSIRA – 48 hours per week Shift workers and 45 hours per weekdays
- The security service is required for the following
- 24 hours a day / 7 days a week on a two-shift cycle i.e., 06:00 to 18:00 dayshift and 18:00 to 06:00 night shift.
- A signed off reviewed list of Security guards deployed in terms of this contract must be provided on monthly basis, within 5 days prior to the commencement of the new month.
- The contractor is responsible to ensure that every shift complement is satisfied before commencement of the shift, no short postings are allowed and shift fill ins to be immediately provided where shortages occur.
- Safe handling of firearms during shift changes must be always adhered to. The contractor must ensure that a procedure is put in place to that effect.

EQUIPMENT TO BE PROVIDED BY THE CONTRACTOR

- The following equipment is standard issue, and it is at the Service Provider's cost and to ensure that all security guards are issued with the equipment to perform their duties on Eskom sites
- Baton, Pepper spray (full and working) and Pocket Book.
- Torches per guard with fully charged batteries or provided with charger on site.
- Communication devices e.g. Two-way radios/ Smart PTT with chargers and linked to the service providers control room for reliable and effective communication or alternatively Company Contracted Cell phones (devices capable of sending WhatsApp messages with camera function) with chargers to be able to communicate with contractor control room effectively.
- Handcuffs
- Security Supervision 1 visit per shift
- Fire extinguishers for vehicles
- First aid kits
- Real time guard monitoring devices/ systems and reporting capability
- Access control services such as Breathalyzer testing and access control monitoring
- Bullet proof vests (Level III Special SA Mix) as per specification.
- Security uniforms
- Safety shoes preferably combat boots as a precaution for snake bites
- Panic Button with armed response
- The tender shall be detailed in terms of its requirements for panic buttons.
- The cost for panic buttons and armed response by the firm contracted by the service provider for armed response shall be charged separately.
- Neat, clean, covered and properly bonded Security Registers on site.

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- First Aid Kit as per General Safety standard 3.4 per site must be inspected monthly to ensure all contents are still intact, usable and expiry date checked. The replenishment of the kit contents is at the cost of the security contractor.
- Training and refresher training of security guards on First Aid, Fire Fighting, Use of Fire Extinguisher, and Substance screening and testing must be conducted at the cost of the security contractor.
- Security Company uniform for all types of weather, reflective jacket with company logos.
- Bullet-proof vests SA MIX 111 SABS per guard. Tenderers to refer to specification guideline.
- A live guard monitoring system with adequate coverage of the entire Eskom facility monitored by the Service Provider control room.
- The service provider must have a 24-hour dedicated control room in the province or vicinity where they intend tendering.
- Proof of address must be submitted with the tender documents.
- The control room will be inspected by a designated Eskom Security official during the evaluation of the tender.
- The business premises must be registered with PSIRA as a security business at that location.
- The control room must have an electronic two-way radio base set that is connected to a radio network, which enables radio communication to the sites and patrol/response vehicles through the province.
- SABS approved Firearm safes
- Emergency Radio's with spare battery in the case of power failure.
- Operational computer with email facilities and capable to do live tracker monitoring to ensure that the security guard patrols the designated area regularly.
- The Control room must have a minimum of two controllers per shift.
- The registered premises must have an administration guard from Monday to Friday during normal office hours.
- The control room must have strict access control and it must be according to PSIRA standards. A PSIRA certificate regarding the control room standard must be submitted with the tender documents.
- Guards must be paid equal to or above required PSIRA salary rates. Proof of salary rates of the service provider must be submitted with the tender documents.
- All personnel must belong to a provident fund. A compliance letter from the fund must be attached to the tender.
- The Service Provider must submit proof of a Public Liability Insurance Policy to the value of at least R15 Million providing cover against all claims (including claims related to the use or misuse of firearms), against Eskom, Contractor, or its employees.
- The Service Provider must have at least two vehicles (Dedicated to the Eskom contract) in road worthy condition and must submit a certified copy of the registration certificate and road worthy certificate of the vehicles. Where a Service Provider leases a vehicle a copy of the lease agreement must accompany the tender documents.
- The vehicle provided should not be more that 20000 km, and not more than one year old at the inception of the contract.
- Where one of the vehicles are being serviced or is in maintenance a replacement vehicle should be made available.
- An inspection by Eskom Security personnel will be done after the closing date of the tender.
- The specification will be determined per the task order. All vehicles must be equipped with a local global positioning system or any other vehicle tracking device or system however,

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- All security guards' equipment /site requirements shall form part of the scope for the provision of security services and shall be covered in the overhead fee and profit percentage payable to the supplier to ensure that the guards are fully equipped to perform their duties.

FIREARMS

- Only Eskom approved firearms namely, 9mm pistols, Rifles and Shot guns may be allowed for usage in terms of this contract. Revolvers are specifically excluded for usage as per this contract.
- Technical maintenance certificates must be available for all issued firearms
- Armed Security guards must have competency certificates for the specific firearm in possession thereof.
- Security Company is responsible for providing firearms, ammunition, firearm safe and registers as per Firearm Act.
- Only company firearms licensed in the security service providers name may be utilised as per this contract.
- The contractor must ensure provision of equipment/facilities for making firearms safe. A procedure to that effect, should also be in place.
- Each armed security guard must be provided with two full (ammunition) magazines.
- The service provider must ensure that Security guard's private firearms are not utilised for their business purposes, in terms of this contract.
- Safe handling of firearms during shift changes must be always adhered to. The contractor must ensure that a procedure is put in place to that effect.

TRAINING

- All Security personnel deployed must be trained in terms of the various legislative requirements.
- (Private Security Industry Regulatory Authority (PSIRA),
- National Key Point (NKP), Firearm Control Act (FCA).
- All Security personnel to comply with the continuation and refresher training in terms of the NKP and FCA.
- The Contractor's Human Resources and Industrial Resources policies and procedure such as: sick leave, grievance hearings, disciplinary hearings, ethics, safety etc

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