

	<b>Invitation to Tender (ITT)/ Request for Proposal (RFP)</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	18
		<b>Effective Date</b>	07 June 2024		
		<b>Review Date</b>	June 2029		

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER (ITT)/REQUEST FOR PROPOSAL (RFP)**

**FOR**

**THE MEDUPI POWER STATION FLUE GAS DESULPHURIZATION (FGD)  
RETROFIT ENGINEER, PROCURE, CONSTRUCT (EPC) PROJECT FOR AN  
ESTIMATED CONTRACT PERIOD OF EIGHT (8) YEARS.**


<b>Tender number/ RFP number</b>	<b>MWP2577PS</b>
<b>Issue date</b>	<b>06 September 2024</b>
<b>Closing date and time</b>	<b>05 December 2024 at 10h00 SAST</b>
<b>Tender validity period</b>	<b>360 days from the closing date and time</b>
<b>Clarification meeting</b>	<p><b><u>Compulsory</u> clarification meeting and site visit with the Representative of the Employer will take place as follows:</b></p> <p><b>Date: 02 October 2024</b>  <b>Time: 09h00 am SAST</b>  <b>Venue: Medupi Power Station, Lephalale, Limpopo Province, South Africa</b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee to <a href="mailto:cyril.ntshonga@eskom.co.za">cyril.ntshonga@eskom.co.za</a> before or on the 30 September 2024 at 16h00 SAST.</p> <p>Further clarifications and responses including any tender Addendums will be posted on Eskom Tender Bulletin and tenderers are encouraged to visit the site on a regular basis.</p> <p><b>Please note that if the tender stipulates that a site meeting/clarification meeting is mandatory/compulsory; then tenderers must attend such meeting. Those tenderers who do not attend such mandatory/compulsory meeting will be disqualified.</b></p>

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<b>Tenders are to be delivered to the following address by the stipulated closing date and time:</b>	<b>Eskom Megawatt Park Tender Office Northside (Retail Centre) 1 Maxwell Drive Sunninghill</b>  <b>Note:</b> (i) The proposal shall be submitted in English Language and all correspondence would be in the same language. (ii) Eskom may at its discretion before the closing date and time in response to the tender extension request by prospective tenderers extend the deadline for the submission of Proposals.
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## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a [•] *[tender/proposal]* for the Medupi Power Station Flue Gas Desulphurization (FGD) retrofit engineer, procure, construct (EPC).

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

1. Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender/proposal by you in response to this *[Invitation/RFP]* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)). The interested tenderers may download the RFP document from the official website ([www.eskom.co.za](http://www.eskom.co.za)) Eskom Tender Bulletin.

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

Yours faithfully

\_\_\_\_\_

Brendah Shange

Middle Manager Procurement

Procurement and Supply Chain Management


Date: \_\_\_\_\_

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This tender enquiry comprises of this Invitation to Tender (ITT)/Request for Proposal (RFP), the Eskom Standard Conditions of Tender, and the following documents in this **Table 1**, including any documents to which the following documents make reference:

**Table 1:**

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

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1.1.11	Reverse e-auction training acknowledgement form (if applicable)	<u>Reverse E-auction Training Acknowledgement Form.docx - Content Suite Platform CE 21.3 (eskom.co.za)</u>	N/A
1.1.12	Reverse e-auction process (if applicable)	<u>Reverse E-auction Process Template - Content Suite Platform CE 21.3 (eskom.co.za)</u>	N/A
1.1.13	<p>Contract Skills Development Goals (CSDG) [if applicable]</p> <p><i>A CIDB grading designation of grade 7 or higher, in case of an engineering and construction works, or design and build contract or an order issued in terms of such a contract.</i></p> <p><i>The contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts published in GN 1779, Government Gazette No. 48481 of 28 April 2023.</i></p>	<p><i>To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report. Refer to <b>SDL&amp;I - Appendix E</b></i></p>	Y
1.1.14	Contract Participation Goals (CPG) [if applicable]	<p><i>To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration).</i></p>	Y

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		<b>Refer to SDL&amp;I - Appendix E</b>	
1.1.15	<p><b>All documents (which may also be referenced elsewhere) which will comprise the Contract (as defined in the Contract Agreement and the Conditions to Contract) to be signed with the successful tenderer:</b></p> <ol style="list-style-type: none"> <li>1. Contract Agreement,</li> <li>2. The Conditions of Contract, which are based on the General Conditions of the Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract for Plant and Design-Build, First Edition, 1999 (Yellow Book) amended in terms of FIDIC license 134892 to create bespoke terms (not endorsed by FIDIC),</li> <li>3. The Employer's Requirements, as defined in the Conditions of Contract.</li> <li>4. The Pricing Schedule,</li> <li>5. The Appendices being: <ol style="list-style-type: none"> <li>7.1 Guarantee Schedule: <ol style="list-style-type: none"> <li>7.1.1 Advance Payment Bond,</li> <li>7.1.2 Pro-Forma Performance Bond,</li> <li>7.1.3 Pro-Forma SDL&amp;I Bond,</li> <li>7.1.4 Pro-forma Parent Company Guarantee,</li> </ol> </li> <li>7.2 Variation Pricing Methodology,</li> <li>7.3 Appendix to Contract and Contract Schedules, being: <ol style="list-style-type: none"> <li>7.3.1 Appendix to Contract,</li> <li>7.3.2 Section Description and Time for Completion Schedule,</li> </ol> </li> </ol> </li> </ol>	Annexure J	Y

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	<p>7.3.3 The Stated Time Schedule,</p> <p>7.3.4 The Delay Damages Schedule,</p> <p>7.3.5 The Contractor's SDL&amp;I Obligations Schedule,</p> <p>7.3.6 The Broad-Based Black Economic Empowerment Schedules,</p> <p>7.3.7 Spare Parts Option Schedule,</p> <p>7.3.8 The Insurance Schedule,</p> <p>7.3.9 Rely Upon Information Schedule,</p> <p>7.3.10 Consent Schedule.</p> <p>Certain documents contained in the technical returnables will ultimately be part of the Contract, as appears from the Employer Specification and the Testing Specification and will be included as part of the Contract on signature, after negotiation.</p>		
1.1.16	<p><u>Deviation Schedule</u> Submitted Deviation Schedule must cross reference to the relevant section or original clause in the Conditions of Contract/ Contract Agreement, Employer's Requirements and RFP document.</p> <p><u>Security for Performance</u> List of financial institutions that are pre-approved by Eskom's Treasury for the issuing of any securities required for the contract.</p> <p>LIST OF PRE-VETTED GUARANTORS</p> <p><b>Local</b> Absa Bank Limited Development Bank of South Africa FirstRand Bank Limited</p>	<b>Annexure K</b>	Y

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	<p>Industrial Development Corporation of SA Investec Bank Limited Land and Agricultural Development Bank of South Africa Nedbank Limited Standard Bank of South Africa Ltd</p> <p><b>Foreign</b> Barclays Bank PLC BNP Paribas Citibank N.A. Commerzbank AG Credit Agricole Corporate and Investment Bank Deutsche Bank AG HSBC Bank PLC JPMorgan Chase Bank Rabobank Nederland Royal Bank of Scotland N.V. Societe Generale Standard Chartered Bank Toronto-Dominion Bank UBS AG</p> <p><b>Other</b> American International Group Inc. Asian Infrastructure Investment Bank (AIIB) Bank of China Ltd Bank of Taiwan Bank of Tokyo-Mitsubishi UFJ Ltd China Construction Bank Danske Bank A/S ING Bank NV Macquarie Bank Ltd Mizuho Bank Ltd Mizuho Corporate Bank Ltd SACE SpA Siemens Financial Services GmbH Sumitomo Mitsui Banking Corp. Unicredit Bank Austria AG Unicredit Corporate Banking SpA Zurich Financial Services Group Zurich Insurance PLC</p>		
1.1.17	<u>Pricing data</u> (Pricing schedule attached for completion)	<b>Appendix A 1</b>	Y
1.1.18	<u>Pricing data (Levelized Cost of Electricity - LCOE)</u> (Levelized cost of electricity template attached)	<b>Appendix A 2</b>	Y

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1.1.19	<b>Technical Evaluation – Mandatory Requirements / Gatekeepers</b> <ul style="list-style-type: none"> <li>• <b>Technical Evaluation Criteria:</b> <ul style="list-style-type: none"> <li>○ Qualitative Engineering Technical Evaluation Criteria,</li> <li>○ Alternative Tender Evaluation.</li> </ul> </li> </ul> <p>Tenders will be evaluated against mandatory technical requirements for both the Main tender (Wet FGD, limestone forced oxidation (LSFO)) and any proposed alternative tender, which will include any other type of wet FGD. The Mandatory Technical Evaluation Criteria for the Main Offer (Wet FGD (LSFO)) is shown in Table 1 and the Mandatory Technical Evaluation Criteria for the alternative tender is shown in Table 2. Mandatory Technical Evaluation Criteria (gatekeepers) are ‘must meet’ criteria. These criteria shall not be weighted, or point scored but shall be assessed on a Yes/No basis. An assessment of ‘No’ against any criterion shall technically disqualify the tenderer and the tender shall not be further evaluated against Qualitative Criteria</p>	<b>Appendix B – Tables</b>	Y
1.1.10	<b>Technical Evaluation Criteria:</b> <p>Technical Evaluation to be clearly understood by the tenderers. In case the Technical Evaluation Criteria requires to be completed, tenderer should do so (that is, some evaluations are dependent on the tenderer/s completing some information on some technical evaluation criteria templates/spreadsheets).</p> <p>A weighted scorecard approach is used to evaluate the technical compliance of the tenderers against the Technical Evaluation Criteria. Functionality will be evaluated on a total weight of 100% with a minimum threshold of <b>70%</b>. It comprises of technical evaluation that will be broken down into the following functions:</p>	Technical Evaluation Criteria - Qualitative Evaluations criteria attached – <b>Appendix C</b>	Y

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1.1.11	CIDB Guidelines and Directive	Appendix D	Y
1.1.12	Supplier Development, Localisation & Industrialization (SDL&I) Requirements and Evaluation Criteria	Appendix E	Y
1.1.13	Safety, Health and Environmental Requirements and Evaluation Criteria	Appendix F	Y
1.1.13	Quality Evaluation Requirements and Evaluation Criteria	Appendix G	Y
1.1.14	Other safety, health, environmental, technical and quality documents. This includes Codes and Standards, as defined in the Conditions of Contract, all technical and other relevant or referenced specifications, processes or procedures or guidelines	Appendix H	Y

- 1.2 The Tender Data, set out in this **Table 2**, 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](http://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.

**Table 2:**


Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is: Name: <b>Cyril Ntshonga</b></p>

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	Tel: <b>+27 (11) 800 4691</b> E-mail: <b>cyril.ntshonga@eskom.co.za</b>
1.3 Enquiry documents	The Invitation to tender /RFP number is: <b>MWP2577PS</b>  See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender/RFP is:  An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in accordance with section (2)(1)(f) of the PPPFA.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender/proposal</b> if</p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one tender/proposal either individually or as a partner in a joint venture (JV) or consortium.</li> <li>3. 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.</li> <li>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering/RFP process, if:             <ol style="list-style-type: none"> <li>1. (a) they have a controlling partner/majority shareholder in common; or</li> <li>2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process.</li> </ol> </li> <li>5. Tenders signed by non- authorized persons.</li> </ol>

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	<p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Tenderers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 -2.5 Tender Closing	<p><b>The deadline for Tender/RFP submission is:</b></p> <p><b>Date: 05 December 2024</b> <b>Time: 10h00 am SAST</b></p> <p><b>Late tenders will not be accepted.</b></p> <p><b>Tenders are to be submitted to the Eskom tender box at the following physical address:</b></p> <p><b>THE TENDER OFFICE</b> <b>Eskom Megawatt Park Tender Office</b> <b>Northside (Retail Centre)</b> <b>Maxwell Drive</b> <b>Sunninghill</b> <b>Johannesburg</b></p>
2.9 Copy of original tender	<p><b>The tenderer must submit the tender as a complete original tender clearly marked ORIGINAL plus a clearly marked COPY( hard copy of the original tender at tender submission deadline</b></p> <p><b>Evaluations are done on the copy provided. Therefore, it is the tenderer's responsibility to ensure that the copy is 100% identical to the original tender. Eskom will not accept any liability if it bases its evaluation on an incomplete copy provided by the tenderer.</b></p> <p>Where a tenderer does not submit both ORIGINAL and 1 hard COPY of the original tender at tender submission deadline, the tenderer will be disqualified.</p> <p>This requirement is applicable for both Main tender and Alternative tender.</p>
2.13 Tender Validity Period	<p>The tender validity period is 360 <b>days</b> from closing date and time.</p> <p>NB: While 360 days tender validity period has been provided from tender closing date &amp; time, the evaluation and adjudication process may take longer than planned.</p>

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	Should the period extend beyond the stipulated 360 days, tenderers will be requested to extend their tender validity period.
2.16 Site/clarification meetings	<p><b>Compulsory</b> clarification meeting and site visit with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>02 October 2024</b> Time: <b>09h00 am SAST</b> Venue: <b>Medupi Power Station, Lephalale, Limpopo Province, South Africa</b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee to <a href="mailto:cyril.ntshonga@eskom.co.za">cyril.ntshonga@eskom.co.za</a>. before or on the 30 September 2024 at 16h00 SAST.</p> <p>Further clarifications and responses including any tender Addendums will be posted on Eskom Tender Bulletin and tenderers are encouraged to visit the site on regular basis.</p> <p><b>Please note that if the tender stipulates that a site meeting/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.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>five (5)</b> working days before the deadline for tender submission.
2.23 Alternative tenders	<p>Alternative tenders are <b>allowed</b>.</p> <ul style="list-style-type: none"> <li>In line with The Eskom's Standard Conditions of Tender alternative tenders will only be allowed and evaluated if a main tender has been submitted that meets the evaluation criteria and stipulated threshold. In this RFP, the enquiry document allows the submission of alternative tenders and they will be evaluated against the parameters and criteria set in the Technical Evaluation Criteria.</li> <li>Unless otherwise stated in the tender data, the tenderer may submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule / general comparison table that compares the requirements of the tender documents with the alternative requirements that are proposed.</li> <li>The tenderer accepts that an alternative tender may be based only on the criteria stated in the tender data or criteria otherwise acceptable to Eskom; and</li> </ul>

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	<ul style="list-style-type: none"> <li>An alternative tender will only be considered and evaluated in the event that the tenderer submitted a compliant main tender.</li> </ul> <p><b>Refer to Annexure J &amp; Annexure K, Appendix B &amp; Appendix C - Technical documents</b></p>
2.25 Sign form of Agreement – sign the Contract (as defined in the Conditions of Contract)	<p>A contract will be signed after tender evaluation, the relevant delegated approval authority has approved the award of the tender to the recommended tenderer, the tenderer has met the conditions for the conclusion of a contract, and negotiations have been finalised (where applicable).</p> <p>The recommended tenderer shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report ) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)</p> <p>The recommended tenderer shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013)</p>
2.31 Provision of security for performance	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.</p> <p>The following bonds are required for this enquiry: -</p> <ol style="list-style-type: none"> <li>1. Advance Payment Bond</li> <li>2. Performance Bond</li> <li>3. Retention Bond</li> <li>4. SDL&amp;I Bond (SDL&amp;I Bond (SDL&amp;I Performance Bond equivalent to 0.25% and the penalty if the Contractor fails to achieve its SDL&amp;I's obligations will be maximum of 1.5% of the Accepted Contract Amount. 1.5%)</li> <li>5. Parent Company Guarantee</li> </ol>
3.32 Cataloguing	<p>The successful tenderer may be required to provide the cataloguing information per item after contract award, and in that instance, will need will to ensure that all materials delivered to Eskom are labelled in line with Eskom's labelling specifications as may be stipulated. Where cataloguing is a requirement, the Pricing Schedule must also include a line item for cataloguing, which tenderers are required to quote for. Eskom will pay for the cataloguing.</p>

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3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened at and on: Place: <b>Eskom Holdings SOC Limited Eskom Megawatt Park Tender Office Northside No.01 Maxwell Drive Sunninghill Gauteng</b></p> <p>Date: <b>05 December 2024</b> Time: <b>10h00 am SAST</b></p>
3.5 Prices to be read out	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<p>Basic compliance for this ITT/RFP, and which applies separately to each of a main tender or any alternative tender, means compliance with all of the following:</p> <ol style="list-style-type: none"> <li>Meeting the eligibility criteria for a tenderer,</li> <li>Submission, for each of the main tender, and any alternative tender, a complete, original tender with all required commercial, financial, and technical information, in the following three separate sections: <ul style="list-style-type: none"> <li><b>Section 1: Commercial</b> – Commercial, Pricing Schedule, LCOE and B-BBEE certificate.</li> <li><b>Section 2: Technical</b> – Mandatory technical proposal, and all technical returnables.</li> </ul> <p>The technical proposal must <b>NOT</b> include any financial information.</p> <li><b>Section 3: Objective Criteria / Contractual Requirements, being:</b> <ul style="list-style-type: none"> <li>SDL&amp;I requirements and returnables,</li> <li>Safety, health, environment and quality requirements and returnables,</li> <li>audited annual financial statements,</li> <li>completed Deviation Schedule,</li> <li>a letter signed by an authorised signatory confirming receipt of all documents comprising this tender enquiry and all documents comprising the contract to be entered into</li> </ul> </li> </li></ol>

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	<p>between Eskom and the successful tenderer, and</p> <ul style="list-style-type: none"> <li>▪ any other required returnables, not already mentioned.</li> </ul> <p>3. Submission of any tender (main or alternative), as follows:</p> <ul style="list-style-type: none"> <li>○ in hard copy, ONE (1) original tender, complete with commercial, financial and technical information, as required in the three sections referred to directly above in item 2, and</li> <li>○ in hard copy, ONE (1) complete and identical copy of the original tender, complete with commercial, financial and technical information, as required in the three sections referred to directly above in item 2,</li> </ul> <p><b>AND</b></p> <p>4. Submission of an additional complete electronic/SOFT COPY, of the original tender complete with commercial, financial and technical information, as required in the three sections referred to directly above in item 2, on a memory stick or USB.</p> <p>5. Submission of the relevant commercial or other tender returnables as at stipulated deadlines.</p> <p>6. Submission of the Central Supplier Database (CSD) number (MAA.....).</p>
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender / RFP will be deemed non-responsive and will be disqualified.</p> <p>The tenderer must submit mandatory documents &amp; supporting documentation for mandatory requirements separately, clearly marked as such.</p> <p>The mandatory requirements /criteria are attached as <b>Appendix B</b> hereto.</p>
3.13 Functionality requirements	<p>Functionality requirements <b>are applicable</b>.</p> <p>The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70% as per the requirements of the Eskom Tender Technical Evaluation Procedure.</p>

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**A two stage Technical Evaluation Strategy is set out as follows:**

**Stage 1:** Mandatory Technical Evaluation Criteria (gatekeepers) are 'must meet' criteria. These criteria shall not be weighted or point scored but shall be assessed on a Yes/No basis as to whether or not the criteria are met. An assessment of 'No' against any criterion shall technically disqualify the tenderer and the tender shall not be further evaluated against Qualitative Criteria.

**Stage 2:** Qualitative Technical Evaluation Criteria are weighted evaluation criteria used to identify the highest technically ranked tenderer after determining that all the Mandatory Evaluation Criteria have been met. The Qualitative Evaluation Criteria are weighted to reflect the relevant importance of each criterion. The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.

**Technical Evaluation Criteria - Qualitative Evaluations criteria**

A weighted scorecard approach is used to evaluate the technical compliance of the tenderers against the specifications. Functionality will be evaluated on a total weight of 100% with a minimum threshold of 70%. It comprises of technical evaluation that will be broken down into the following functions:

**Technical**

Boiler Process	25%
Bulk Materials Handling	10%
Control & Instrumentation	10%
Chemical	10%
Civil & Structural	10%
Electrical	10%
Low Pressure Services	10%
Configuration Management	2.5%
Document Management	2.5%
Arrangement Design	2.5%
Integration Management	2.5%
Operating and Maintenance	2%
General Requirements	3%

**TOTAL (100%)**

**Overall minimum threshold for qualification (70%)**

Functionality Criteria	Maximum number of points percentages
Technical /Engineering	100%
<b>Total Weight</b>	<b>100%</b>

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	<b>Overall minimum threshold for functionality to proceed to the next phase</b>	<b>70%</b>
	<p>The technical evaluation criteria are attached as <b>Appendix C</b> hereto.</p> <p><b>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</b></p>	
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>Inclusive of VAT</li> <li>Making the specified correction for arithmetical errors</li> <li>Excluding contingencies in any bill of quantities or activity schedule.</li> <li>Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> </ol> <ol style="list-style-type: none"> <li>Unconditional discounts must be taken into account for evaluation purposes;</li> <li>Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> <li>Levelised Cost of Electricity ( LCOE)</li> </ol> <p>Prices will be scored out of 90 points</p>	
3.17 Evaluation of Specific Goals	<p>Specific goals / preference points will be scored out of 10 points in accordance with PPPFA.</p> <p>A maximum of ten (10) points will be allocated to the B-BBEE level contribution, specific goals. The certificate must be issued by an authorized body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; any other requirement prescribed in terms of the Broad-Based Black Economic. For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the Joint Venture.</p> <p>If a tenderer fails to meet Specific goals and submit proof of B-BBEE status level (Valid B-BBEE certificate / Sworn Affidavit), the tenderer will not be disqualified. However, be awarded 90 points for price and will score 0 points for Specific goals / B-BBEE level /status (out of 10).</p>	

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	<p>The following specific goals / preference points scorecard will apply:</p> <table><tr><th>B-BBEE Status Level of Contributor</th><th>Number of Points (90/10 system)</th></tr><tr><td>1</td><td>10</td></tr><tr><td>2</td><td>9</td></tr><tr><td>3</td><td>6</td></tr><tr><td>4</td><td>5</td></tr><tr><td>5</td><td>4</td></tr><tr><td>6</td><td>3</td></tr><tr><td>7</td><td>2</td></tr><tr><td>8</td><td>1</td></tr><tr><td>Non-compliant contributor</td><td>0</td></tr></table> <p>Note:</p> <p>Failure on the part of the tenderer to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFP/Q closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p> <p><b>Refer to Appendix E – SDL&amp;I.</b></p>	B-BBEE Status Level of Contributor	Number of Points (90/10 system)	1	10	2	9	3	6	4	5	5	4	6	3	7	2	8	1	Non-compliant contributor	0
B-BBEE Status Level of Contributor	Number of Points (90/10 system)																				
1	10																				
2	9																				
3	6																				
4	5																				
5	4																				
6	3																				
7	2																				
8	1																				
Non-compliant contributor	0																				
3.18 Ranking of tenders	<p>Tenderers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- 90/10 for tender with a rand value above R50 million or</p> <p>90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and Specific goals / preference points together and rank the tenderers from the highest to the lowest.</p>																				
3.19 Objective Criteria	<p>Objective criteria <b>are applicable.</b></p> <p>Compliance to objective criteria is mandatory for contract/tender award. Failure to comply with objective criteria within the timelines specified will render the tender non-responsive.</p> <p>The following objective criteria apply:</p> <ul style="list-style-type: none"><li>• SDL&amp;I Requirements &amp; Obligation (as per signed SDL&amp;I strategy provided/attached - <b>Appendix E</b>)</li><li>• Designated material and thresholds are <b>applicable.</b></li></ul>																				

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If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.

Refer to SDL&I requirement – **Appendix E**

Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.

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

A tender that fails to meet the minimum stipulated threshold for local production and content will not be justified for award.

- Valid B-BBEE certificate issued by an authorized body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; any other requirement prescribed in terms of the Broad-Based Black Economic
- **NIPP Requirements will be applicable for contracts with an Foreign component or content of USD 5 million or more and will be condition for contract award.**

Eskom will implement the NIPP requirement, which determines that the tenderer has to contact the Department of Trade, Industry and Competition (dtic) to arrange for support and development of local businesses. Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more.

- CIDB Contract Participation Goal (CPG) *is applicable.*

Contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprises as established in the CIDB Standard for Indirect Targeting for Enterprise development through Construction Works Contract (published in GN No. 36190 of 25 February 2013). Contract Participation Goals is only applicable in Grade 7-9 General Building (GB) and Civil Engineering (CE) contracts where the contract duration is 6 months or more.


- CIDB Contract skills development goals (CSGD) *is applicable.*

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	<p>Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GGN 36760 of March 2020)</p> <p>CSDG is applicable to all classes of works exceeding R60 M and where the contract duration is 12 months or more or to Professional Services/Service contract/order where the estimated contract exceeds R5M and where the contract duration is 12 months or more]</p> <p>Refer to SDL&amp;I requirement – <b>Appendix E</b></p> <p><b>Please note:</b></p> <p><b>Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA</b></p>
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction is <b>not applicable</b>.</p> <p><b>Please note:</b></p> <p><b>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a tenderer includes prices in their tender; these prices will not be considered and will be disregarded.</b></p>
Contractual Requirements	<p><b>Contractual requirements or conditions for contract award may include the following as set out in the enquiry:</b></p> <ol style="list-style-type: none"> <li>1. Safety, health and environmental, and quality requirements.</li> <li>2. Audited annual financial statements or other relevant financial information,</li> <li>3. Legal and contract management requirements,</li> <li>4. Shipping documents or requirements,</li> <li>5. Insurance documents or requirements,</li> <li>6. Tax documents or requirements, and</li> <li>7. SDL&amp;I requirements – Skills development, subcontracting, job opportunities, B-BBEE, NIPP.</li> </ol>

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	<p><b>Please Note:</b></p> <p><b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</b></p> <p><b>Failure to provide contractual requirements or comply with the conditions of contract award or contract signature, by the stipulated deadlines, may result in the tenderer being regarded as non-responsive and ineligible for contract or tender award and contract conclusion.</b></p>
<p>CIDB Requirements are applicable for Engineering and Construction Works Contracts)</p>	<p>CIDB Requirements are <b>applicable</b>.</p> <ol style="list-style-type: none"> <li>It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of <b>9ME (Mechanical Engineering)</b> or higher or <b>9EP Electrical Engineering works</b> or higher <i>where the contract involves goods or services</i></li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>Joint ventures are eligible to submit tenders provided that: <ol style="list-style-type: none"> <li>2.1 every member of the Joint venture (JV) is registered with the CIDB,</li> <li>2.2 the lead partner has a contractor grading designation in the <b>9ME (Mechanical Engineering or 9EP Electrical Engineering)</b> *class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status,</li> <li>2.3 the combined contractor grading designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or .....* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIDB Regulations</li> </ol> </li> </ol> <p><b>Please note:</b></p> <p><b><i>Only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in</i></b></p>

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

***Eskom must within 21 working days from date when tenderer's offer to perform a construction works contract is accepted in writing, register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.***

Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a **9ME (Mechanical Engineering)** class of construction work are eligible to have their tenders evaluated or **9EP (Electrical Engineering)** works

A tenderer who is 7-9 GB/CE/ME should pay 0.2% to CIDB at Contract Award as per DPWI Sep 2020. This will be a condition in the Tender doc/ enquiry – Duration 6 months + (CIDB BUILD PROGRAMME)

**1. Contract Skills Development Goals (CSDG) Requirements is applicable.**

1.1 The CSDG applicable to this tender is in terms of the Engineering and Construction Works contract with respect to the **9ME (Mechanical Engineering)** class of works or **9EP (Electrical Engineering)** class of works [delete "or" where only one class of construction works is applicable] and the applicable percentage is 0.25% and is contained in the relevant BOQ/Pricing schedule attached.

***Please note:***

***The successful tenderer shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GGN 36760 of March 2020)***

***CSDG is applicable to all classes of works exceeding R60 M and where the contract duration is 12 months or more or to Professional Services/Service contract/order where the estimated contract exceeds R5M and where the contract duration is 12 months or more]***


**2. Contract Participation Goals *is applicable***

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***Please note:***

***Tenderer shall be contractually required to achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprises as established in the CIDB Standard for Indirect Targeting for Enterprise development through Construction Works Contract ( published in GN No. 36190 of 25 February 2013)***

***Contract Participation Goals is only applicable in Grade 7-9 General Building (GB) and Civil Engineering (CE) contracts where the contract duration is 6 months or more.***

***Construction Works contracts in which at least 25% of the main contract could reasonably be expected to be sub-contracted out in one or more of the following classes:***

- 1. Civil Engineering (CE)***
- 2. Electrical Engineering Work (EB)***
- 3. General Building Works (GB)***
- 4. Mechanical Engineering (ME)***

***The tenderer shall engage targeted enterprise/s in the performance of the contract to the extent that at least 5% contract participation goal is achieved.***

***The tenderer shall determine the contract skills participation goals expressed in Rands which shall not be less than the contract amount multiplied by a percentage factor.***

Refer to **Appendix E** – SDL&I Requirements.

**Please note:**

**Eskom's standard payment terms as stipulated hereunder will apply for the contract period and tenderers must apply these terms when submitting tenders and concluding contracts with Eskom:**

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

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

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

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Main tenderers 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](http://www.csd.gov.za)

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

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

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### 1.3 TENDER RETURNABLES

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

#### NOTE:

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

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

**# These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner, however the tenderer will not be disqualified but score zero for any aspect which the said returnable was in support of.**


Reference	Returnable From Tenderers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	1. Submit TWO (2) hard copies; ONE (1) Original and ONE (1) complete and identical Copy of the original tender to Eskom. 2. Submit a complete SOFT COPY (memory stick or USB) of the original tender in an electronic format.	✓	✓	

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

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<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign tenderers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number ) and Local tenderers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign tenderers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]			✓
<b>Compliance with Employment Equity Act</b>	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)			✓
<b>CIDB is applicable</b>	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 (Eskom).		✓	
<b>Contractual Documentation</b>	Completed Conditions of Contract, which are based on the General Conditions of the Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract for Plant and Design-Build, First Edition, 1999 (Yellow Book) amended in terms of FIDIC license 134892 to create bespoke terms (not endorsed by FIDIC) Contract acknowledgement form number.....		✓	
<b>Pricing</b>	Pricing Schedule and LCOE	✓		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)</b>		✓		

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	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>			
<b>Mandatory Contractual Requirement</b>	Proof of valid and current CSD Registration (CSD number/CSD Report)		✓	
<b>Safety</b>	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)  SHE returnables are attached as Appendix F hereto		✓	
<b>Quality</b>	Documents that may be required per scope of work  Quality returnables are attached as Appendix G hereto		✓	
<b>Other safety/quality documents as required per scope of works</b>	SHE and Quality Specifications attached.		✓	
<b>Environmental</b>	Documents that may be required as per Employer Specification		✓	
<b>Due Diligence</b>	<p>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.</p> <p>Details of Financial statements to be submitted by Tenderer:</p> <ol style="list-style-type: none"> <li>1. Approved financial statements, signed auditors / independent reviewers / accounting officer's report must be valid and not outdated, received within 18 months after year end (S (30) of Companies Act.</li> <li>2. Auditors/ independent reviewers / accounting officer's / compiler's report.</li> <li>3. A signed director's / member's report.</li> <li>4. Audited Annual financial statements: <ol style="list-style-type: none"> <li>a. Statement of financial position (balance sheet).</li> </ol> </li> </ol>			✓

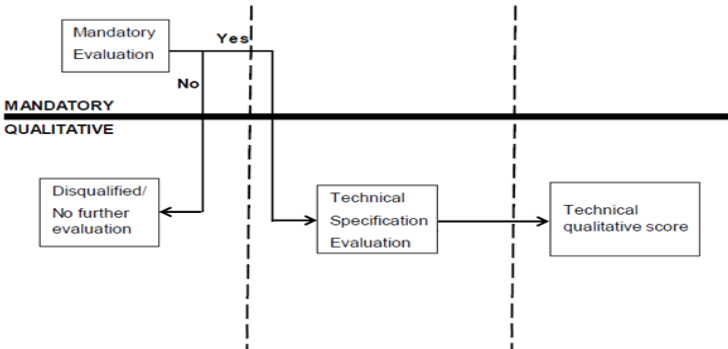
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	b. Statement of comprehensive income (income statement). c. Statement of changes in equity. d. Statement of cash flows. e. Notes to the financial statements. 5. ITA 34C Income tax assessment, only used if tenderer is not audited.  6. Public Interest Score (PIS) – used to determine whether the financial statements are required to be audited / independently reviewed or neither.			
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	<p><b>As detailed in the Technical Evaluation Criteria. For details refer to Appendix C for Technical Evaluation Criteria</b></p>  <p><b>Figure 1: Technical Evaluation Threshold</b></p>	✓		

## Main and alternative tenders

### Main tender

The Wet Flue Gas Desulfurisation (limestone forced oxidation open spray tower with dewatered gypsum as by-product) (WFGD (LSFO)) is Eskom's suggested solution for the abatement of sulfur dioxide (SO<sub>2</sub>) emissions at Medupi Power Station based on Eskom's previous studies. Tenderers must submit, as their main tenders, a tender based on (WFGD (LSFO)).

### Alternative tender

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If a tenderer has submitted a main tender, it may also submit an alternative tender for any alternative type of flue gas desulfurisation technology, including any other type of wet flue gas desulfurisation, as proven for 800 MW power generating units.

The tenderer shall submit a process description of the alternative technology and shall highlight potential benefits (compared to WFGD (LSFO), if any) such as low water consumption, power consumption, multipollutant capability, usable by-product and the market potential in RSA, ease of expandability, etc. Additionally, the tenderer shall highlight any unique features of the alternative technology such as special materials, special equipment, special reagent, special requirements, (i.e., operating temperature, steam, demineralised water, handling and transportation requirements) and shall indicate if there are any proprietary/sole source items associated with the alternative technology.

Additionally, the concept underlying the alternative technology shall cover:

- technology design basis: Design basis information in this document and its attachments may serve as input into the tenderer's alternate technology concept. The tenderer must gather and organise the necessary plant data relevant to the technology from the data and attachments in this document. If more information is required, the tenderer may submit reasonable assumptions or approach in its alternative tender,
- technology sorbent requirements: The tenderer shall identify sorbent sources for the alternative technology and shall discuss lifetime implications for Eskom in the Concept Design Report. The tenderer shall during development of an alternative proposal, comply with Eskom's requirements for bulk/chemical systems set out in the Concept Design Report,
- technology water requirements: The tenderer shall determine and provide the alternate technology's water requirements using the quality premises and constraints discussed Concept Design Report,
- other requirements: If the technology has other input requirements, the tenderer shall highlight these and make provision for these in its design,
- technology scope: The tenderer shall develop and discuss the scope of work necessary to implement the technology and describe in detail the operational and maintenance impacts,
- technology integration scope: The tenderer shall determine the scope / impact of the technology on the existing infrastructure of the Medupi Power Station, especially on the adjoining and downstream systems. Potential impacts on civil, structures, electrical and C&I systems shall also be provided,
- technology cost estimates: The tenderer shall present a Class 4 or 3 CAPEX and OPEX estimates, and a Life Cycle Cost Analysis based on the CAPEX and OPEX,

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- technology implementation schedule: The tenderer shall prepare a preliminary Level 1 schedule detailing the sequencing and durations of the various engineering phases, procurement, construction, and commissioning activities,
- technology risks: Major risks associated with the implementation/execution of the technology are to be identified and mitigations proposed.

The tenderer shall include a reference list of all the plant where such alternate technology is implemented and successfully operating. Eskom reserves the right to contact and/or visit any plant/s referenced and the tenderer must facilitate access thereto.

A crucial criterion for the SO<sub>2</sub> abatement/control technologies proposed for the flue gas desulfurisation retrofit at Medupi Power Station, is that it has reached a substantial level of technical and market maturity. Technology maturity must also be validated by the total number of reference plants installed by the tenderer, or at least by one of the entities that is part of a joint venture tenderer, similar in size or larger than Medupi Power Station, with some degree of maturity established through design evolution and operational experience.

#### **Appendix A 1. – Pricing data – Pricing Schedule ( Document attached )**



28122023Section 5  
5.1 Price Schedule for

#### **Appendix A 2. – Pricing data – Levelized Cost of electricity (LCOE**



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20231206\_Medupi FC

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**Appendix B –Table 1 – Mandatory Requirements / Gatekeepers - Technical Evaluation**  
**Criteria: main tender (Wet FGD (LSFO). Refer to Technical Evaluation Criteria**


	<b>Mandatory Technical Criteria Description</b>	<b>Reference to Specification / Tender Returnable</b>	
1.1	Wet (LSFO open spray tower) FGD technology is able to meet the guarantee SO <sub>2</sub> reduction of less than 400 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry) at conditions comparable to those specified in the Boiler Output Specification (N = 0 °C, 1013 mbar).	Refer to 3.2 Employers Specifications and Appendix A of this Strategy. 348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)  Provide proof that the proposed FGD technology is proven to meet the 400 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry) at comparable conditions.	Proposed guarantee
1.2	Wet FGD technology for SO <sub>2</sub> emissions is able to meet the guarantee SO <sub>2</sub> removal efficiency of over 90% at conditions comparable to those specified in the Boiler Output Specification (N = 0 °C, 1013 mbar).	Refer to 3.2 Employers Specifications and Appendix A of this Strategy. 348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)  Provide proof that the proposed FGD technology is proven to meet over 90% SO <sub>2</sub> removal efficiency at comparable conditions.	Proposed guarantee
1.3	Wet FGD technology for SO <sub>2</sub> emissions is able to meet the guarantee 40 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry).	Refer to 3.2 Employers Specifications and Appendix A of this Strategy. 348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)  Provide proof that the proposed FGD technology is proven to meet 40 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry).	Proposed guarantee
2.	Proposed Wet FGD technology has been implemented on coal fired power plant unit sizes of greater than or equal to 680MW; these must be in	3.2 Employers Specifications and Appendix A of this Strategy Provide list of coal fired power stations with proposed FGD technology implemented and MW generated.  Provide two (2) or more reference plants with multiple boiler units per power plant coal fired station.	Proposed 800MW required. implemen

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	operation for at least 5 years post commissioning.		
3.	<p>The entire works needs to be signed off by Professionally registered Engineer(s) and/or Technologist(s) who are ECSA registered. For tender purposes, the Employer will accept professional engineers/technologists who are ECSA registered or registered by one of the professional bodies affiliated to ECSA via the Washington and Sydney accord however the tenderer needs to provide proof of both professional registration as well as proof that the process to become ECSA professionally registered has commenced. Engineers/Technologists from countries that are not affiliated to ECSA via the Washington and Sydney Accord will also be considered provided they can provide their degree certificate and a certificate indicating that they are ECSA candidate engineers/technologists, and their CVs demonstrate they have the necessary years of experience to be registered as</p>	<p>3.2 Employers Specifications and Appendix A of this Strategy</p> <p>Provide verifiable records</p>	<p>Profession</p> <p>approve</p> <p>Ensures c</p> <p>Engineeri</p>

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	<p>a ECSA professional Engineer/technologist.</p> <p>Tenderer is to indicate in writing the names of the engineers / technologists who will sign off the design and submit certified copies of their qualifications and professional registration certificates. In cases where the engineers are from affiliated professional bodies, proof of their professional registration certificate and proof that the process to become professionally registered with ECSA has started must be provided. In cases where the Engineers are from non-affiliated countries the engineers/technologists degree certificate and their ECSA candidate engineer/technologist certificate needs to be provided.</p>		
4.	<p>The proposed operation base of the FGD DCS shall be compatible and able to interface with the already installed DCS base (Medupi PS has 2 DCS's already installed).</p>	<p>3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>Provide proof that the proposed FGD DCS shall be compatible with the existing installed DCS.</p>	<p>Compatib base at M</p>

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5.	Tenderer to submit a declaration to fully comply with the Internal Arc Classification (IAC) – AFLR for MV Switchgear.	Refer to 240-56227573; 240-82332407 and IEC 62271-200. Provide declaration of compliance.	Safety of Compliance regulation
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**Appendix B –Table 2– Mandatory Requirements / Gatekeepers - Technical Evaluation  
criteria: Alternative tender**

	<b>Mandatory Technical Criteria Description</b>	<b>Reference to Specification / Tender Returnable</b>	
1.1	Proposed FGD technology is able to meet the guarantee SO <sub>2</sub> reduction of less than 400 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry) at conditions comparable to those specified in the Boiler Output Specification (N = 0 °C, 1013 mbar).	<p>Refer to 3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)</p> <p>Provide proof that the proposed FGD technology is proven to meet the 400 mg/Nm<sup>3</sup> (10% O<sub>2</sub> dry) at comparable conditions.</p>	Proposed guarantee
1.2	Proposed FGD technology for SO <sub>2</sub> emissions is able to meet the guarantee SO <sub>2</sub> removal efficiency of over 90% at conditions comparable to those specified in the Boiler Output Specification (N = 0 °C, 1013 mbar).	<p>Refer to 3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)</p> <p>Provide proof that the proposed FGD technology is proven to meet over 90% SO<sub>2</sub> removal efficiency at comparable conditions.</p>	Proposed guarantee
1.3	Proposed FGD technology for SO <sub>2</sub> emissions is able to meet the guarantee 40 mg/Nm <sup>3</sup> (10% O <sub>2</sub> dry).	<p>Refer to 3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>348-10082173 Technical Fill-in Sheets (Performance Guarantee Fill-in – Main Offer)</p> <p>Provide proof that the proposed FGD technology is proven to meet 40 mg/Nm<sup>3</sup> (10% O<sub>2</sub> dry).</p>	Proposed guarantee
2.	Proposed FGD technology has been implemented on coal fired power plant unit sizes of greater than or equal to 680MW; these must be in operation for at least 5 years post commissioning.	<p>3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>Provide list of coal fired power stations with proposed FGD technology implemented and MW generated.</p> <p>Provide two (2) or more reference plants with multiple boiler units per power plant coal fired station.</p>	Proposed 800MW required. implement
3.	The entire works needs to be signed off by Professionally registered Engineer(s) and/or Technologist(s) who are ECSA registered. For tender purposes, the Employer will accept professional engineers/technologists who are	<p>3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>Provide verifiable records</p>	Profession approve Ensures Engineering

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	<p>ECSA registered or registered by one of the professional bodies affiliated to ECSA via the Washington and Sydney accord however the tenderer needs to provide proof of both professional registration as well as proof that the process to become ECSA professionally registered has commenced. Engineers/Technologists from countries that are not affiliated to ECSA via the Washington and Sydney Accord will also be considered provided they can provide their degree certificate and a certificate indicating that they are ECSA candidate engineers/technologists, and their CVs demonstrate they have the necessary years of experience to be registered as a ECSA professional Engineer/technologist.</p> <p>Tenderer is to indicate in writing the names of the engineers / technologists who will sign off the design and submit certified copies of their qualifications and professional registration certificates. In cases where the engineers are from affiliated professional bodies, proof of their professional registration certificate and proof that the process to become professionally registered with ECSA has started must be provided. In cases where the Engineers are from non-affiliated countries the engineers/technologists degree certificate and their ECSA candidate engineer/technologist certificate needs to be provided.</p>		
4.	<p>The proposed operation base of the FGD DCS shall be compatible and able to interface with the already installed DCS base (Medupi PS has 2 DCS's already installed.).</p>	<p>3.2 Employers Specifications and Appendix A of this Strategy.</p> <p>Provide proof that the proposed FGD DCS shall be compatible with the existing installed DCS.</p>	<p>Compatib base at M</p>

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5.	Tenderer to submit a declaration to fully comply with the Internal Arc Classification (IAC) – AFLR for MV Switchgear.	Refer to 240-56227573; 240-82332407 and IEC 62271-200. Provide declaration of compliance.	Safety of Compliance regulation
----	---	--	---------------------------------------

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## Appendix C –Technical Evaluation Strategy



348-9999706  
Medupi FGD Retrofit I

### Technical Tender Returnables


The tenderer must apply and take into consideration all the requirements of, and documents referenced in the Employer's Specification, issued as part of this enquiry, when preparing the technical aspects and content of its tender, since if it is the successful tenderer, it will be contractually obliged to deliver the works, as tendered, strictly per the terms of the contract to be entered into, which contract includes the Employer's Specification.

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Appendix D – CIDB Guidelines & Directive



CIDB Guidelines & Directive.zip

Appendix E– Supplier Development, Localisation &Industrialization

(SDL&I)



Medupi FGD SDL I  
Strategy.pdf

Appendix F– SHE Evaluation criteria



348-10035695 OHS  
Evaluation Criteria ch



348-10035697

Environmental Evalua

Appendix G – Quality Evaluation criteria



348-10053734  
Quality Evaluation crit


Item No.	Quality Description
<b>Quality Management System Requirements ISO 9001</b>	Valid certification of Quality Management System by ISO accredited body.  A.1 Product/Service Scoping on ISO 9001 certificate is defined and relevant to the proposed scope. A.2 Certificate by Approved and Authorized certification authority. A.3 Certification Authority has Recognized International Accreditation. A.4 Validity (expiry date) of certificate.
<b>SECTION B: Evidence of QMS in operation (Tender Quality</b>	B.1 Documented information for defined roles, responsibilities, and authorities. B.2 Documented information for Control of Externally Provided Processes, Products and Services.

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Item No.	Quality Description
<b>Requirements Ref 240-105658000) -</b>	B.3 Latest Copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports).
<b>SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698</b>	C.1 Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005). NB Draft Contract/Project Quality Plan has important QA deliverables.
<b>SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302) -</b>	D.1 Example of QCP/Checklist/ITP (Quality Control Plan) on similar and /or previous work done.
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000 and Form A 240-680995127</b>	E.1 Form A completed and signed.

## Appendix H – Other safety & quality documents (Specifications)



348-10001066 348-10040452\_Med 348-10040553 FGD  
Employers Policies Prupi FGD Documents aDocumentation Form:



Specification to issue to the contractor.zip

## Appendix I – Financial Analysis Requirements

### Requirements for financial analysis

In order for the Finance Project services (FPS) to be able to perform financial analysis of companies / Entities for the above contract,


The latest and approved Annual Financial Statements (AFS) must be submitted by the tenderer. Where the AFS have not been audited, then a ITA34C tax submission will be

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required and the Public Interest Score as completed by the accountant / reviewer as required by the Companies Act, 2008.

The ITA34C tax submission is required for the unaudited AFS relevant only for South African registered companies otherwise all foreign tenderers must submit audited AFS.

**Note:** The audited financial statement should be in submitted in English and all Documents would be in the same language.

**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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


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

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

**Or:** Incorrect or incomplete for the following reasons: ☐

**Cataloguing Acknowledgement:**

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


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

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

Invitation to Tender/Request for Proposal No: \_\_\_\_\_

Name of company/JV: \_\_\_\_\_

Country of registration: \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined CIDB contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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

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

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your tenderer registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign tenderers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting

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

8.2 What percentage will you be sub-contracting? \_\_\_\_\_%

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8.3 To whom do you intend sub-contracting? \_\_\_\_\_

8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

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

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

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

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

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

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

## 1. Single tenderers

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

Signature: \_\_\_\_\_

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Designation: \_\_\_\_\_

Date: \_\_\_\_\_

## 2. Joint Ventures

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

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

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

## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

### **DECLARATION OF INTEREST**

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

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1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
  2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
  3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
  4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
    1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
    2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
    3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and
- 1.a juristic person is “related” to another juristic person if:-**
1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1));
  2. either is a subsidiary of the other; or
  3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. 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

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

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

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

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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b><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></b></p> <p>The Database of Restricted Tenderers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		

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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 ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.3	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

### 3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

**Individuals:**

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Full Name	Identity Number	Shareholding Percentage

**Other Entities\*:**

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

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

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

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


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

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<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

### **Joint Ventures**

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

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

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

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

<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	


(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

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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**

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### **1. Application of CPA**

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

#### **2. Tender Submissions**

#### **Eskom CPA Conditions/Requirements**

- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.


**Note:** Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

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### 3. BASE DATE AND BASE PRICE

- 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 intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.

### 4. 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 contract 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.


<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

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## **ANNEXURE E**

### **CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES**

#### **The application of contract price adjustment (CPA) to tender submissions**

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### **1. Application of CPA**

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

#### **2. Tender Submissions**

#### **Eskom CPA Conditions/Requirements**

- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.


**Note:** Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

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### 3. **BASE DATE AND BASE PRICE**

- 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 intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.

### 4. **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 contract 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.

## **PAYMENT OF FOREIGN COMMITMENTS**

### **PART 1: The application of importation payment requirements to tender submissions.**

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

#### **Tenderers:-**

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

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

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

**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 tenderer  
In the contract, and not to any other party).

**Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods**

**Documentation to be submitted with payment:**

- Commercial invoice (from the foreign supplier)

**Import payments**

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

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

- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt "goods despatched".
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the relative goods to the Republic of South Africa**

**Service- related payments**

**Documents to submit with payment:**

- Commercial invoice (invoice from the foreign supplier)

**Delete which is not applicable (Yes/No )]**

**OR**


**Payment Method 1B:**

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To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting 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 match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
  - Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.
  - Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
  - Copy of the latest application to the Reserve Bank to renew the approval.
  - Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

**Import payments**

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

**Any of the following documents as per the mode of transportation:-**

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the relative goods to the Republic of South Africa**

**All documents submitted to Eskom should not have any alterations.**

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The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.

#### **Service-related payments**

- Should a tenderer select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:-
  - A copy of a letter from the tenderer's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
  - A copy of the official response from the Reserve Bank authorising payments to be made into the tenderer's CFC account. The tenderer's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

#### **Documents to submit with payment:**

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

**NB: If a tenderer is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.**

**[Delete which is not applicable (Yes/No )]**

**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 tenderer 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 tenderer of the date and the rate which the forward cover is cancelled, will be for the account of the tenderer.

#### **Please note:**

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required

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approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.

- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,

**Documents to submit with payment:**

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

**Any of the following documents as per the mode of transportation:-**

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

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

- Local invoice or Tax invoice

**NB: If a tenderer is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.**

**[Delete which is not applicable (Yes/No )]**

**OR**

**Fixed ZAR Option (Payment Method 3)**

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


- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s

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indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.

- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

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

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

**Delete which is not applicable (Yes/No )]**

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

**Import payments**

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

**Any of the following documents as per the mode of transportation:-**

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the goods to the Republic of South Africa**

**Documents to submit with payment:**


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

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

**[Delete which is not applicable (Yes/No)]**

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

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

**Take note of the following:**

**Service-related payment:**

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

**1) Secondment**

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

**Documents to be attached for payment:**

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager.

**2) Payroll Transfer**

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

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## **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.

<b>Date of advertisement of tender:</b>	
<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

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

#### **1. General Conditions**

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

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

Where

x is the imported content in Rand

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

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


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

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

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

<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](http://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):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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


**4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dtic must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard.**

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**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp).
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.
- 4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

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

Bid price, excluding VAT (y)	R
------------------------------	---

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

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

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

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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



Adobe Acrobat Document

#### **Annexure F3 - \_Imports Declaration-Supporting schedule to Annex C(annex D)**



Adobe Acrobat Document

#### **Annexure F4 - \_Local Content Declaration-Supporting Schedule to Annex C (annex E)**



Adobe Acrobat Document

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## ANNEXURE G

**SBD 1**

### PART A INVITATION TO BID


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

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

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>BID SUBMISSION:</b>												
<ol style="list-style-type: none"> <li>1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</li> <li>2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>												
<b>TAX COMPLIANCE REQUIREMENTS</b>												
<ol style="list-style-type: none"> <li>1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</li> <li>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.</li> <li>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.</li> <li>4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</li> <li>5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</li> <li>6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</li> </ol>												
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>												
<table style="width: 100%; border: none;"> <tr> <td style="width: 5%; text-align: right;">1.</td> <td style="width: 80%;">IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 15%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="text-align: right;">2.</td> <td>DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="text-align: right;">3.</td> <td>DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="text-align: right;">4.</td> <td>DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p style="margin-top: 10px;">IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO										
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO										
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO										
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO										


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

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

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

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

- Price; and
- Specific Goals.

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
--	--------

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<b>PRICE</b>	
<b>SPECIFIC GOALS</b>	
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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

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

### 3. DEFINITIONS

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

### 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 1. POINTS AWARDED FOR PRICE

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

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

**80/20**

**or**


**90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 7. POINTS AWARDED FOR SPECIFIC GOALS


1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

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

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

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

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

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

**DECLARATION WITH REGARD TO COMPANY/FIRM**


- Name of company/firm.....
- Company registration number: .....
- TYPE OF COMPANY/ FIRM
  - ☐ Partnership/Joint Venture / Consortium
  - ☐ One-person business/sole propriety

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- ☐ Close corporation
  - ☐ Public Company
  - ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- 1. The information furnished is true and correct;
  - 2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  - 3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
  - 4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
    - 1. disqualify the person from the tendering process;
    - 2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
    - 3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
    - 4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
    - 5. forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....


**DATE:** .....

**ADDRESS:** .....

.....

.....



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## ANNEXURE I

## SBD 4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State Institution


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

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

2.2.1 If so, furnish particulars:

.....  
.....

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

1. If so, furnish particulars:

.....  
.....

**3. DECLARATION**

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

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

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


3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

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

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during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

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