

	Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD
REQUEST FOR PROPOSAL (RFP)
FOR

**PROVISION OF ROAD TRANSPORTATION FOR LIMESTONE FROM
HIGHVELD RAIL SIDING TO KUSILE POWER STATION FOR A PERIOD OF
TWO YEARS AND EIGHT MONTHS**

RFP number	MWP2092GX
Issue date	10 August 2023
Closing date and time	6 September 2023 at 10h00
Tender validity period	30 weeks from the closing date and time
Clarification meeting	Date: 25 August 2023 Time: 10:00 Venue: MS Teams (Online Platform) Tenderers must confirm their intention to attend the meeting with the Eskom Representative stating the name, position and contact details of each proposed attendee by the 23 August 2023 to receive an invite to the meeting.
Tenders are to be delivered to the following address on the stipulated closing date and time:	The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton 6 September 2023 at 10h00 (South African Standard Time)

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Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a proposal for the Provision of road transportation for limestone from Highveld Rail Siding to Kusile Power Station for a period of two years and eight months.

The enquiry documents are supplied to you for 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 proposal by you in response to this RFP will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

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

Penny Shabangu

Tel: (011) 800-2851

Email: MLangeNP@eskom.co.za

Yours faithfully



Sagie Chetty

SENIOR MANAGER: FUEL SOURCING

Date: 2023-08-10

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SCOPE OF WORK:

The service is for the provision of road transport services for Limestone from Highveld Siding to Kusile Power Station, estimated at 29.2 km, on an as and when required by Eskom from 31 March 2024 to 30 November 2026.

The Tenderer must have sufficient vehicles to move up to 36 000 tons per month. The tenderer must take note that the volumes will fluctuate on a monthly basis. It is estimated that the initial volumes will be approximately 5 000 tons per month in FY24 and will ramp up to approximately 36 000 tons per month as all Kusile units become operational.

- The tenderer must provide proof of vehicle ownership/lease, (in the form of certified vehicle registration documents in the name of the supplier/ shareholder/s.
- The tenderer must provide a certified road worthy certificate(s) valid at the time of tender for each truck specified on the project plan.

Eskom's requirements for the service

Eskom will use its best endeavours to grant access to the Vehicles for the purpose of Delivery between 06h00 and 22h00 on Mondays to Friday and 06h00 to 17h30 on Saturday and Sunday. Should circumstances require any changes to be made to this arrangement, the Parties shall discuss such at monthly meetings.

The service includes:

Trucks will be allowed to operate between 06h00 and 22h00 on Mondays to Friday and 06h00 to 17h30 on Saturday and Sunday. Should circumstances require any changes to be made to this arrangement, the Parties shall discuss such at monthly meetings.

Contractor requirements for service

The service includes:

- a) The supply of the specified number of roadworthy 22 meter interlinks side tipper trucks for the provision of the service.
- b) Making available the Contracted Fleet for periodic inspection and evaluation by Eskom.
- c) Making available Drivers for periodic medical screening and vetting by Eskom.
- d) Making available the Contracted Fleet and drivers for safety induction at Designated Loading and Offloading Points.

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- e) All trucks should have vehicle tracking devices installed.
- f) Ensuring that at all times the correct number of Contract Fleet Vehicles are in operation.
- g) Ensure that Eskom is notified immediately in writing of the intention to affect any change in the Contractor's Contract Fleet, including all vehicle details and fleet numbers and ensure that any additional Vehicles are fit for purpose and duly vetted and approved by Eskom.
- h) Presenting the vehicle at the designated Loading Point, including:
 - Queuing,
 - Weighing the empty vehicle at the inbound weighbridge,
 - Loading of Limestone onto the Vehicle
 - Weighing the loaded vehicle at the outbound weighbridge,
 - Receiving of the Loading Waybill,
 - Ensuring the vehicle does not leave the Loading overloaded.
 - Tarping of the Vehicle by the Loading Agent.
 - Sealing on the trailers by the Loading Agent.
- i) Transporting the loaded Limestone to Kusile Power Station
- j) Offloading of Limestone at Kusile Power Station, including:
 - Queuing,
 - Un-tarping and removal of seals on the Vehicle by Eskom,
 - Weighing the loaded vehicle at the inbound weighbridge,
 - Presentation of the Loading Waybill,
 - Offloading of Limestone onto the designated stockpile,
 - Weighing the empty vehicle at the outbound weighbridge,
 - Receiving of the Power Station Waybill.

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y/N/ N/A)	Separate attachment
1.	Acknowledgement form	Annexure A	Y	
2.	Tenderer's particulars	Annexure B	Y	
3.	Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y	
4.	CPA Requirements for Local Goods/Services	Annexure D	Y	
5.	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline)	Annexure E	Y	
6.	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure F	Y	
7.	SBD 4 – Bidders Disclosure	Annexure G	Y	
8.	Operational project plan	Annexure H	N	Y
9.	Reverse e-auction process	Annexure I	Y	
10.	Reverse e-auction user guide	Annexure J	N	Y
11.	Reverse e-auction training acknowledgement form	Annexure K	Y	
12.	SDL & I obligations	Annexure L	Y	
13.	Acknowledgement Form for Eskom OHS legal and other requirements.	Annexure M	Y	
14.	Form A - Tender & contract quality requirements for 240-105658000 and Quality requirements for iso 9001 standard	Annexure N	Y	
15.	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Annexure O	N	Y
16.	Eskom's Standard Conditions of Tender	Annexure P	N	Y
17.	Eskom Life-Saving Rules	Annexure Q	N	Y
18.	NEC3 Term Service Contract (TSC3)	Annexure R	N	Y

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Request for Proposal**; then the tenderers are required to download this from www.eskom.co.za. The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Penny Shabangu Tel: (011) 800 - 2851 E-mail: MLangeNP@eskom.co.za</p>
1.3 Enquiry documents	<p>RFP number is: MWP2092GX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of RFP	This is an open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a proposal if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one proposal either individually or as a partner in a joint venture (JV) or consortium • Proposals submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer

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Clause Number from Standard Conditions of Tender	Tender Data
	<p>may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if :</p> <ol style="list-style-type: none"> (a)they have a controlling partner/majority shareholder in common; or (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <ul style="list-style-type: none"> Tenders signed by non- authorized persons Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) Any tenderer that is restricted by National Treasury Any tenderer on the Tender Defaulters list. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for RFP MWP2092 GX submission is: Date 6 September 2023 Time 10h00</p> <p>Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton</p>
2.9 Copy of original tender	<p>The tenderer must submit two (2) separate files, i.e., one (1) hard copy of the tender as a complete original tender, plus one (1) hard copy as a copy of the original tender at tender submission deadline. A tenderer may also submit one (1) additional complete soft copy (memory stick or USB) of the original tender in electronic format.</p> <p>Note: the hard copies take precedence over the soft copy. tenderers will not be disqualified if they do not submit a soft copy.</p> <p>Failure to submit 2 (two) separate files of the tender (one original and one copy) at tender submission deadline will result in the</p>

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Clause Number from Standard Conditions of Tender	Tender Data
	tenderer being declared nonresponsive and will be disqualified, i.e. will not be evaluated further
2.13 Tender Validity Period	The tender validity period is 30 (thirty) weeks from closing date and time
2.16 Site/clarification meetings	<p>A non-compulsory clarification meeting with representatives of the Employer will take place via Microsoft Teams as follows: A clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 25 August 2023 Time: 10h00 Venue: Teams Meeting (Online/virtual)</p> <p>Tenderers must confirm their intention to attend the meeting with the Eskom Representative stating the name, position and contact details of each proposed attendee by 23 August 2023 to receive an invite to the meeting.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 05 working days before the deadline for tender submission.</p> <p>If there are any amendments to the tender documents as well as any questions/clarifications before the tender closing date, these will be posted on Eskom tender bulletin and e-tender portal.</p> <p>It is the responsibility of the tenderer to check any posted communication related to this RFP on a regular basis.</p>
2.23 Alternative tenders	<p>Alternative tenders are allowed based on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> • A different completion date. • A different payment method. • Different technical methods and specifications
2.25 Contractual Condition	The conditions of contract will be the NEC Term Service Contract
2.31 Provision of security for performance	Not applicable
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 on: Place: Tender Office, Megawatt Park Date: 6 September 2023 Time: 10h00</p>

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Clause Number from Standard Conditions of Tender	Tender Data
3.5 Prices to be read out	Price will not be required at tender closing as Reverse e-Auction will be utilized for price evaluation and negotiation.
3.9 Basic Compliance	<p>Basic compliance for this RFP are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit 2 (two) separate files of the tender (one original and one copy). Failure to submit two separate files of the tender (one original and one copy) will result in the tenderer being declared non-responsive and will be disqualified, i.e. will not be evaluated further. • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective RFP; will be deemed non-responsive.
3.13 Functionality requirements	Functionality will be evaluated on a total weight of 100% with a minimum threshold of 60%. The following is an overview of the functionality criteria for the first stage:

FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING

Functionality Criteria that will be used to score each tender:	Maximum number of points percentages
KPA 1: Demonstrated experience in bulk road logistics services	15%
KPA 2: On Board tracking system on all vehicles to be contracted.	10%
KPA 3: Submission of a feasible plan to deliver up to 36 000 tons per month	35%
KPA 4: Proof of vehicles ownership/ existing lease agreement, in the company's / owners' / shareholders' name for all vehicles to be contracted	20%
KPA 5: Valid road worthy certificates for all vehicles to be contracted	20%
Overall minimum threshold for functionality to proceed to the next phase	70%

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Evaluation Criteria			Weight	Unit Measurement	Rating					
KPA	Technical	Returnable Documents			0	1	2	3	4	5
Bulk Haulage Experience	Demonstrated experience in bulk road logistics services	Reference Letters with contact details or Contracts from current/ previous clients	15%	Years	0	<0.6	≥ 0.6<1	≥ 1 < 2	≥ 2 < 3	≥ 3
Vehicle Management Systems	On Board tracking system on all vehicles to be contracted.	Certificate/ Letter of tracking system from a tracking company or service provider	10%	Compliance	No					Yes
Operational Management requirements	Submit a feasible plan to deliver up to 36 000 tons per month	Operational Project Plan	35%	Compliance	No					Yes
	Proof of vehicles ownership/ existing lease agreement, in the company's / owners' / shareholders' name for all vehicles on the operational project plan .	Certified copies of vehicle ownership / existing lease agreement	20%	Compliance	No					Yes
	Valid road worthy certificates for all vehicles on the operational project plan	Certified copies of valid road worthy certificates	20%	Compliance	No					Yes
Threshold (Minimum requirement)			70%							

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3.15 Evaluation of price	Price will not be required at tender closing as Reverse e-Auction will be utilized for price evaluation and negotiation.
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified. The tenderer will be awarded points for price (out of 90) and will score 0 points for B-BBEE level/status (out of 10)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> 90/10 for tender with a rand value above R50 million or <p>Eskom will then add the score from Pricing and B-BBEE status level together and rank the suppliers from the highest to the lowest.</p>
3.19 Contractual Requirements	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> Health & Safety requirements; SDL & I requirements; Environmental requirements; Technical inspection requirements; Quality requirements <p>See contractual requirements under Tender returnables.</p> <p>Contractual requirements will not be evaluated but will become a requirement in the contract. Tenderers will therefore not be disqualified but will have to agree to the contractual requirements.</p> <p>Please note:- Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation of the tenders. Proof that the tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements” by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
3.20 Reverse e-auction	<p>Reverse e-auction will be utilized and supporting documents have been provided as part of this inquiry</p> <p>Price will not be required as reverse e-Auctions will be utilized for price evaluation and negotiation.</p>

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	Reverse e-auction is an electronic price and preference point system (aligned to the PPPFA) that aims to achieve the most competitive prices. Reverse e-Auction Requirements See requirements under Tender returnables
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Please note:

Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a main contractor subcontracts with a subsidiary this must be declared in tender documents.

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

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

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

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1.3 TENDER RETURNABLES


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

Reference	Returnable From Suppliers	Returnable required at Tender closing	Returnable required prior to Contract Award.
Basic Compliance	One (1) hard copy of the tender	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services	✓	
Annexure E	SBD 1- to be completed and submitted by all tenderers	✓	
Annexure F	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	✓	
Annexure G	SBD 4 – Bidders Disclosure	✓	
Annexure H	Operational project plan	✓	
Annexure K	Reverse e-auction training acknowledgement form	✓	
Annexure L	SDL & I Undertaking		✓
Annexure M	Acknowledgement Form for Eskom OHS legal and other requirements.		✓
Annexure N	Form A - Tender & contract quality requirements for 240-105658000 and Quality requirements for iso 9001 standard		✓
Annexure O	Tax evaluation questionnaire		✓
Annexure R	NEC3 Term Service Contract (TSC3)		✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV		✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing	Returnable required prior to Contract Award.
	partners, as set out in the joint venture agreement.		
“proof of B-BBEE status level of contributor” means:- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking. If an EME or QSE tenderer has supplied only a sworn affidavit, an original or certified copy of a valid B-BBEE certificate is required for contract award.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing	Returnable required prior to Contract Award.
	2. Evidence of QMS in operation Ref QM-58 <ul style="list-style-type: none"> Documented information for defined roles, responsibilities and authorities. e.g Organogram Documented information for control of externally provided processes, products and services. 3. Contract Quality Plan Requirements <ul style="list-style-type: none"> Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005) A document of the supplier's process for delivering the level of quality required by the contract. It is a framework for the contractor's process for delivering quality. Purpose of a CQP is to outline how the results defined in the specifications will be achieved, it can be a procedure/work instruction, or a process flow template. 		
Environmental	1. An organogram or structure of the organisation indicating the position that will fulfil the role of environmental management 2. Environmental risk assessment, with environmental impacts, magnitude or significance of the impact and control or mitigation measures 3. A detailed environmental costing as per the scope of works		✓ ✓ ✓
Technical inspection	The basic vehicle type required is a roadworthy truck, 22-meter interlinked side tipper, with this minimum specification: <ul style="list-style-type: none"> "Drip Spill" belly plates fitted beneath truck-tractor engine to contain oil leaks. 		✓

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Reference	Returnable From Suppliers	Returnable required at Tender closing	Returnable required prior to Contract Award.
	<ul style="list-style-type: none"> One way communication system to facilitate instructions from transporter to driver Fully functional speed governors set to 80km/h. A 10kg fire extinguisher fitted to the truck-tractor and each trailer. Side under-run bars fitted to all trailers. Cat walks fitted to each trailer to facilitate tarpaulin opening and closing. Installation of drive cams 		
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	<ol style="list-style-type: none"> Reference Letters with contact details or Contracts from current/ previous clients Certificate/ Letter of tracking system from a tracking company or service provider Operational Project Plan Certified copies of vehicle ownership / existing lease agreement Certified copies of valid road worthy certificates 	✓ ✓ ✓ ✓ ✓	

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We are in receipt of the 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]:

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

☐

We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order *[insert previous invitation to tender/RFQ number]*

☐

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

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

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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	

- If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
- If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
- 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.
- You may register online at National Treasury website on www.treasury.gov.za
- If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
- If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting

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

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

8.3 To whom do you intend sub-contracting? _____

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8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. _____

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

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

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

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

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

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

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

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- Single tenderers**

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

Signature: _____

Designation: _____

Date: _____

- Joint Ventures**

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 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”
- 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 proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

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

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

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• **DECLARATION OF SHAREHOLDING INFORMATION**

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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


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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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

• APPLICATION OF CPA

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

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

• TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

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

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

b. Additional/Alternative offer:

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

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

Additional/Alternative Offers must be clearly indicated as such

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• ESKOM'S PREFERRED INDEX LIST

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

Table 1: Preferred Local Index List

Cost Component	Proportion	Index and Source Table	Frequency of Adjustment
Fuel	30%	DOE 0.5 sulphur, Zone Adjusted	Monthly
CPI	35%	Stats SA, Table A, CPI Headline	Annually
Labour	20%	NBCRFI	Annually
Fixed	15%	N/A	N/A
Total	100%		

• CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

• BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:
The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published:

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The Cash Settlement or Cash Sellers Price

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

Signed

Date

Name

Position

Tenderer

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ANNEXURE E

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MWP2092GX	CLOSING DATE:	6 SEPTEMBER 2023	CLOSING TIME:	10H00
DESCRIPTION	PROVISION OF ROAD TRANSPORTATION FOR LIMESTONE FROM HIGHVELD RAIL SIDING TO KUSILE POWER STATION FOR A PERIOD OF TWO YEARS AND EIGHT MONTHS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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☐

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	Eskom SOC Limited	CONTACT PERSON	Penny Shabangu
CONTACT PERSON	Penny Shabangu	TELEPHONE NUMBER	(011) 800 - 2851
TELEPHONE NUMBER	(011) 800 - 2851	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	MlangeNP@eskom.co.za
E-MAIL ADDRESS	MlangeNP@eskom.co.za		

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PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:

1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

TAX COMPLIANCE REQUIREMENTS

- BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 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.
- BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | | |
|----|---|--|
| 1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |


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

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

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ANNEXURE F

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 B-BBEE status level

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

- Price
- B-BBEE status level of contributor

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

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
Total points for Price and B-BBEE status level	100

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

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

2. DEFINITIONS

- **“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;
- **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- **“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
- **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3. POINTS AWARDED FOR PRICE

3.1. THE 90/10 PREFERENCE POINT SYSTEMS

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

$$Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

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

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

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

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

5. 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
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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

- The information furnished is true and correct;
- The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 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;
- If the B-BBEEE status level points 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 G

SBD 4

BIDDER'S DISCLOSURE

• 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.

• Bidder's declaration

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

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

1. If so, furnish particulars:

.....
.....

• **DECLARATION**

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

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

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

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

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

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

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required

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

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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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ANNEXURE H:

See attached Operational Plan labelled Annexure H.

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ANNEXURE I

REVERSE E-AUCTION PROCESS

WHAT IS REVERSE e-AUCTION

Reverse e-Auction, means an electronic evaluation of Price and Preference point as outlined in the PPPFA (The Regulation) and aims to achieve the most competitive and market related prices for clearly specified items.

Reverse E-Auction is not a negotiation tool and where market related price is not achieved at close of reverse e-auction, Eskom reserves the right to negotiate market related prices with the highest ranked supplier or cancel the tender, if the tenderer scoring the highest point does not agree to market related prices, Eskom may negotiate market related prices with the 2nd ranked tenderer or cancel the tender, if the tenderer scoring the second highest points does not agree to a market-related price, Eskom may negotiate a market related price with the tenderer scoring third highest points or cancel the tender, if market related price is still not achieved after negotiating with 3 tenderers, Eskom *must* cancel the tender.

Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA

Each tender that obtained minimum qualifying score for functionality, will be eligible to be evaluated further in terms of Price and Preference point system (80/20) or (90/10) as prescribed by PPPFA, using reverse e-auction and will receive login details from Eskom in order to participate.

Where applicable Eskom arranges clarification meeting in order to provide reverse e-auction training/awareness to all those in attendance. Tenderers will also be provided with a reverse e-auction training link in order to self-train.

A fully completed reverse e-auction training acknowledgment form (**Annexure K** is a mandatory returnable before reverse e-auction login details/invitation could be provided to the Tenderer. Failure to submit Training acknowledgement form within the prescribe period will render the Tenderer non-responsive and will be disqualified from participating on the reverse e-auction.

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ANNEXURE J

See attached Reverse e-Auction User Guide for Prospective Tenderers labelled Annexure J.

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ANNEXURE K

ACKNOWLEDGEMENT FORM – REVERSE E-AUCTIONING TRAINING

Invitation to Tender/Request for Proposal **MWP2092GX**

Name of company/JV:

Name of contact person:

Contact person's details:

Tel (landline): _____

Cellphone: _____

E-mail address: _____

Acknowledgment:

I _____ (supplier name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on _____ at _____. I am satisfied with the training and I can confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

OR

I _____ (supplier name) acknowledge that I have undergone self-training of the uploaded Reverse E-auction video, and did not have to attend the clarification meeting for me to understand it. I am satisfied with my self-training and confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

Signature: _____

Designation: _____

Date: _____

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ANNEXURE L

TENDERER'S SDL&I UNDERTAKING


The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award. Tenderers who complete and submit the undertaking as required but who do not meet Eskom's targets will not be disqualified. Eskom reserves the right to negotiate with the tenderer on Eskom's requirements and the outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition.

Category	Eskom's requirements	Tenderer's proposal	Tenderer's comment
Sub-contracting	30% subcontracting to EME/QSE entities that are at least 51% owned by: (i) Black people (ii) Black people who are youth (iii) Black people who are women (iv) Black people with disabilities		
Skills development: the following level of skills need to be developed: • Skilled	<ul style="list-style-type: none"> • Safety Officers - 1 • Code 14 Drivers - 2 		
Job Creation: the following level of jobs need to be created: • Managerial positions • Expert jobs • Skilled jobs • Unskilled jobs	Supplier should provide the number of jobs that will be created		

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ANNEXURE M

ACKNOWLEDGEMENT FORM FOR ESKOM OHS LEGAL AND OTHER REQUIREMENTS.

NOTE: the supplier/contractor/tenderer must ensure that he/she understands the OHS requirements listed hereunder.

<p>1. The supplier/contractor/tenderer is expected to comply to the following documents when working at/rendering a service to Eskom but not limited to the following:</p> <ul style="list-style-type: none"> a. Eskom contractor Health and Safety requirements standards 32-136 b. OHS specification/requirements provided c. Occupational Health and Safety Act 85 of 1993 d. Compensation for Occupational Diseases and Illnesses Act 130 of 1993 <p>Note: Please note that after contract award, it is your responsibility to fully align the company's processes to Eskom's OHS requirements (policies, procedures, standards etc).</p>
<p>2. Penalties shall be enforced on the main supplier for non-conformance/s (identified for the main supplier and/or its contractor and/or supplier) pertaining to Eskom and/or Statutory OHS requirement/s.</p>
<p>4. Ensure that all employees (contractors/suppliers) undergo the relevant Eskom induction and the company's</p>
<p>5. Management of Contractors/ Suppliers</p> <p>The main contractor/supplier:</p> <ul style="list-style-type: none"> a) Has to demonstrate to Eskom the process and selection criteria applied when appointing contractors and suppliers. b) Has to provide notification to Eskom, prior to the appointment of contractors or suppliers for the commencement of work. c) Has to ensure that contractors/ suppliers have adequate resources and competencies. d) Is accountable for the management of its contractors/ suppliers in order to ensure that the applicable legal and Eskom requirements (that are applicable to the main supplier during contract execution) are complied with by the contractors or suppliers. e) The main supplier shall monitor contractors or suppliers through audits and assessments with regard to OHS compliance during the execution of the work. f) The grounds for the termination of work done by contractors/suppliers shall be provided by the main supplier. g) All non-conformances/non-compliance by the contractors/suppliers (all tiers) to the main supplier shall be dealt with directly with the main contractor/supplier in terms of performance and penalty processes. h) Eskom reserves the right to verify this when deemed necessary. The contractor may be instructed to provide copies of testimonials/references and the contact detail of clients (including Eskom) for whom the Company has done previous work of a similar nature

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I, the undersigned, hereby acknowledge that I have obtained copies of the above documents and confirm that I fully understand them and the consequences of non-compliance.

Signed at on day of 20.....

Company/Supplier Name: -----

Name of Authorised person (CEO/Director/ Managing Director)

Signature

Date

Witness 1

Witness 2

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ANNEXURE N:

(FORM A) TENDER & CONTRACT QUALITY REQUIREMENTS FOR 240-105658000 AND QUALITY REQUIREMENTS FOR ISO 9001 STANDARD

SECTION A (TENDER)	ENQUIRY/ CONTRACT No:	MWP2089GX				
	ENQUIRY/ CONTRACT DESCRIPTION	PROVISION OF ROAD TRANSPORTATION FOR LIMESTONE FROM HIGHVELD RAIL SIDING TO KUSILE POWER STATION FOR A PERIOD OF TWO YEARS AND EIGHT MONTHS				
SECTION B (ESKOM)	CLAUSES OF 240-105658000 SPECIFICATION	CLAUSE DESCRIPTION				INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE
	CLAUSE 3	PRE-CONTRACT AWARD QUALITY REQUIREMENTS				X
		(*Select Only Applicable Category). NB: Not more than one category must be selected. Also indicate whether site assessment is applicable.				
		Category 1 (refer to clause 3.5.2 of 240-105658000)				-
		Category 2 (refer to clause 3.5.3 of 240-105658000)				X
		Category 3 (refer to clause 3.5.4 of 240-105658000)				-
		Category 4 (refer to clause 3.5.5 of 240-105658000)				-
		Main Supplier and Sub-supplier Capability and Capacity Assessment (refer to clause 3.6 of 240-105658000)				-
		POST-CONTRACT AWARD				
		Contract Execution (refer to clause 3.7.1 of 240-105658000)				X
		Supplier Quality Performance Monitoring Phase (refer to clause 3.7.2 of 240-105658000)				X
		STANDARD CONDITIONS				
		Eskom Rights of Access (refer to clause 3.8.1 of 240-105658000)				X
		Eskom Rights to Information (refer to clause 3.8.2 of 240-105658000)				X
		Preservation (refer to clause 3.8.3 of 240-105658000)				X
		Quality Audits Related Conditions (refer to clause 3.8.4 of 240-105658000)				X
		Management of Nonconformities and Nonconforming Outputs Identified by Eskom (refer to clause 3.8.5 of 240-105658000)				X
		SPECIAL PROCESSES (REFER TO CLAUSE 3.8.6 OF 240-105658000)				X
	CLAUSES OF ISO 9001 STANDARD	ISO 9001 STANDARD CLAUSE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE	QUALITY PRINCIPLES	ISO 9001 STANDARD PRINCIPLE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE
SECTION C (ESKOM)	CLAUSE 4	Context of the Organisation	X	PRINCIPLE 1	Customer focus	X
	CLAUSE 5	Leadership	X	PRINCIPLE 2	Leadership	X
	CLAUSE 6	Planning	X	PRINCIPLE 3	Engagement of people	X
	CLAUSE 7	Support	X	PRINCIPLE 4	Process approach	X
	CLAUSE 8	Operation	X	PRINCIPLE 5	Improvement	X
	CLAUSE 9	Performance Evaluations	X	PRINCIPLE 6	Evidence based decision making	X
	CLAUSE 10	Improvement	X	PRINCIPLE 7	Relationship Management	X
		NAME	DESIGNATION		DATE	SIGNATURE

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SECTION D (ESKOM'S QUALITY REPRESENTATIVE)					
SECTION E (TENDERER'S QUALITY REPRESENTATIVE)		NAME	DESIGNATION	DATE	SIGNATURE

NB: The tenderer must complete and sign this form to acknowledge and accept Eskom Supplier Quality Requirements as per 240-105658000 Specification and ISO 9001 Standard.

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ANNEXURE O

Tax Evaluation questionnaire

See attached Tax Evaluation questionnaire labelled Annexure O.

ANNEXURE P

Eskom's Standard Conditions of Tender

See attached Eskom's Standard Conditions of Tender labelled as Annexure P.

ANNEXURE Q

Eskom Life Saving Rules

See attached Eskom Life Saving Rules labelled as Annexure Q

ANNEXURE R

NEC3 Term Service Contract (TSC3)

See attached NEC3 Term Service Contract (TSC3) labelled as Annexure R.

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