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|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER/REQUEST FOR PROPOSAL (RFP)

FOR

The Supply and Installation (Procurement and Construction) of the Aggeneis – Paulputs 400KV Line

| | |
|---|--|
| Tender number/ RFP number] | MWP2475TX |
| Issue date | 25 March 2024 |
| Closing date and time | 25 June 2024 at 10h00 |
| Tender validity period | 12 weeks from the closing date and time |
| Compulsory Clarification meeting | <p>Compulsory Microsoft Teams Meeting: Date: 23 April 2024 Time: 10h00 Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 364 500 873 665 Passcode: LCbuqE Download Teams Join on the web</p> <p>Compulsory Site Visit:</p> <p>A drive along the line has been arranged for the following date:</p> <p>Date: 08 May 2024</p> <p>Meet at 10:h00 SAST (GMT+2): Aggeneis Substation – Coordinates (-29.297222S 18.804167E)</p> <p>Drive the entire line and conclude at: Paulputs Substation: Coordinates (28°53'21"S 19°35'23"E)</p> <p>In the afternoon of the Same day.</p> |

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| | <i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | Retail Centre Megawatt Park 2 Maxwell Drive Sunninghill 2000 Marked: Confidential Tender No: MWP2475TX Attention: Thomas Manaka Procurement and Supply Chain Eskom Holdings SOC Ltd |

Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Supply and Installation (Procurement and Construction) of the Aggeneis – Paulputs 400kV Line.

Eskom has delegated the responsibility for this tender to the Eskom Representative whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za). Queries relating to these Invitation documents may be addressed to the Eskom *Representative*.

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the *Eskom Representative* named in the RFP during the tender process. Tenderers must not in any way contact any Eskom employee who is involved in the tender during the tender process, either telephonically, by email or through private appointments before and after submitting tenders. Eskom employees not involved in this tender are not allowed to contact employees involved in this tender or provide information about the tender to potential tenderers.

Where a potential tenderer or a tenderer has any question or query on the contents of the tender or any issue related to the tender, the first point of contact is the *Eskom Representative* whose name and contact details are stated in the tender document.

Should the tenderer not be satisfied with a response from the *Eskom Representative* stated in the tender document, and would like to escalate, the tenderer may refer the issue with to the Procurement Manager identified in the letter of invitation through the buyer. Should the tenderer still be dissatisfied, it can then escalate the matter to the Middle Manager or Senior Manager Procurement.

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Escalation of tender issues to the Group Executives or Group Chief Executive Officer is an avenue of last resort and tenderers should refrain from escalating tender issues to this level without following the escalation process set out above. Escalation not following the above process is not acceptable and will not be attended to.

Yours faithfully



Procurement Manager

Lungile Gcwensa



Senior Manager Projects

Johan Bornman

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1.1 The following documents listed hereunder are attached to this enquiry.

| Number | Description | Annexure/to be downloaded and attached | Attached (Y/N/ N/A) |
|--------|---|--|---------------------|
| 1.1.1 | *Acknowledgement form | Annexure A | Y |
| 1.1.2 | *Tenderer's particulars | Annexure B | Y |
| 1.1.3 | *Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read) | Annexure C | Y |
| 1.1.4 | *CPA Requirements for Local Goods/Services | Annexure D | Y |
| 1.1.5 | *CPA(IG) for Foreign Goods/Services (if applicable) | Annexure E | 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 – Bidders Disclosure | Annexure I | Y |
| 1.1.10 | Contract Skills Development Goals (CSDG) [if applicable] | <i>To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project</i> | Y |

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| | | <i>Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report</i> | |
| 1.1.14 | Contract Participation Goals (CPG) [if applicable] | <i>To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)</i> | Y |
| 1.1.15 | Supplier Performance Review Clause on contracts | <i>Annexure J</i> | Y |

1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/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: Thomas Manaka Tel: 011 800 5471 E-mail: manakamt@eskom.co.za</p> |

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| 1.3 Enquiry documents | <p>The Invitation to tender /RFP number is: MWP2475TX</p> <p>See the content list above for the enquiry documents.</p> |
| 1.4 Type of Invitation to Tender/RFP | <p>This invitation to tender/RFP is: An open Invitation to tender</p> |
| 1.6 Eskom's rights to accept or reject any tender | <p>The tender shall be for the whole of the contract.</p> |
| 2.1 Eligible tenders | <p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a [tender/proposal] if</p> <ol style="list-style-type: none"> 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. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium 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. 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"> 1. (a)they have a controlling partner/majority shareholder in common; or 2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury |

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| | <p>8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. 10. Flagged suppliers.</p> <p>Ineligible tenderers will be disqualified.</p> |
| 2.2 -2.5 Tender Closing | <p>The deadline for RFP submission is: Date 25 June 2024 Time 10h00 Late Tenders will not be accepted. Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p>THE TENDER OFFICE Eskom Holdings SOC Limited Megawatt Park Tender Office, Northside 01 Maxwell Drive Sunninghill, Gauteng</p> |
| 2.9 Copy of original tender | <p>TWO ENVELOPE SYSTEM</p> <p>The Two Envelope System will apply to this tender as follows:</p> <p>Both the ORIGINAL tender and the COPY of the tender must contain the following:</p> <p>ENVELOPE No.1</p> <p>ENVELOPE No1 must be sealed and must contain the following information as part of the tenderer’s offer:</p> <p>(a) Technical / Engineering file; (include contact details of tenderer) (b) Electronic copy of the above files</p> <p>NB: The above sections in Envelope No.1 must not contain any prices or offer amounts.</p> <p>ENVELOPE No.2 must be sealed and must contain the following information as part of the tenderer’s offer:</p> <p>(a) Offer Letter (b) Price Schedule (Bill of Quantities) (c) Financial statements and (d) Completed NEC3 ECC (e) Electronic copy of the above files (c) Safety, Health, Environmental and Quality (SHEQ)</p> |

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| | <ul style="list-style-type: none"> ▪ Health and Safety file; ▪ Environmental file ▪ Quality file ▪ SDL&I <p>(f) Commercial file</p> <p>NB: Pricing must not be mentioned anywhere except in Envelope No.2. Non-adherence to the above submission requirements will lead to disqualification.</p> <p>Each envelope submitted as per the above requirements, must be submitted as follows:</p> <ul style="list-style-type: none"> • One (1) x complete original tender (in hard copy format), marked "ORIGINAL", plus • One (1) x complete identical copy of the original tender (in hard copy format), marked "COPY" plus |
| 2.13 Tender Validity Period | The tender validity period is 12 weeks. |
| 2.16 Site/clarification meetings | <p><u>Compulsory Microsoft Teams:</u></p> <p>Dates: 23 April 2024 Time: 10h00</p> <p>Join on your computer, mobile app or room device Click here to join the meeting</p> <p><u>Compulsory Site Visit:</u></p> <p>A drive along the line has been arranged for the following date:</p> <p>Date: 08 May 2024</p> <p>Meet at 10:h00 SAST (GMT+2): Aggeneis Substation – Coordinates (-29.297222S 18.804167E)</p> <p>Drive the entire line and conclude at: Paulputs Substation: Coordinates (28°53'21"S 19°35'23"E)</p> |

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| | <p>In the afternoon of the Same day.</p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</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 10 working days before the deadline for tender submission. |
| 2.23 Alternative tenders | Alternative tenders are not allowed. |
| 2.31 Provision of security for performance | A performance Bond is required and the names of two financial institutions that the tenderer will approach must be submitted with the tender. |
| 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: Megawatt Park Date: 25 June 2024 Time: 10h00SAST</p> <p>Only Envelope No.1 will be opened at tender closing to read out the names of the companies that have tendered.</p> <p>Envelope No.2 will remain unopened at the Tender Office until the evaluations on Envelope No.1 are completed.</p> <p>Envelope No.2 will only be opened for the tenderers that have been qualified from the evaluation of the contents in Envelope No.1 in compliance with the tender evaluation criteria and requirements</p> |
| 3.5 Prices to be read out | Prices will not be read out. |
| 3.9 Basic Compliance | <p>Basic compliance for this invitation to tender/ RFP are:</p> <ol style="list-style-type: none"> 1. Comply with the two envelopes system. 2. Meet the eligibility criteria for a tenderer 3. Submit one (1) hard copy of the original tender to Eskom 4. Submit a complete original tender with commercial, financial and technical information 5. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 6. Central Supplier Database (CSD) number (MAA.....) |

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| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | Failing to comply with the above requirements will result in disqualification. | | | | | | | | | | |
|--|--|--|-------------------|--|----|-------------------|----|--------------|-------------|------------------|------------|
| 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; will be deemed non-responsive.</p> <p>Suppliers must have a CIDB grading of 9EP.</p> | | | | | | | | | | |
| 3.13 Functionality requirements | <p>Functionality will be evaluated on a total weight of 100%. A weighted score-card approach is used to evaluate the technical compliance of the tenders against the Employer's requirements. Tenderers need to have a weighted score of 70% overall or more to qualify for further evaluation. Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p> <table border="1"> <thead> <tr> <th>Criteria that will be used to score each tender:</th> <th>Score (Weighting)</th> </tr> </thead> <tbody> <tr> <td>Lines HV Equipment as per approved products / design</td> <td>50</td> </tr> <tr> <td>Line construction</td> <td>50</td> </tr> <tr> <td>Total</td> <td>100%</td> </tr> <tr> <td>Threshold</td> <td>70%</td> </tr> </tbody> </table> <p>Minimum required score to pass line construction is 70% and the line HV Equipment is 70%.</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p> | Criteria that will be used to score each tender: | Score (Weighting) | Lines HV Equipment as per approved products / design | 50 | Line construction | 50 | Total | 100% | Threshold | 70% |
| Criteria that will be used to score each tender: | Score (Weighting) | | | | | | | | | | |
| Lines HV Equipment as per approved products / design | 50 | | | | | | | | | | |
| Line construction | 50 | | | | | | | | | | |
| Total | 100% | | | | | | | | | | |
| Threshold | 70% | | | | | | | | | | |
| 3.14 Evaluation of price | <p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> Inclusive of VAT Making the specified correction for arithmetical errors Excluding contingencies in any bill of quantities or activity schedule. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 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. <ol style="list-style-type: none"> Unconditional discounts must be taken into account for evaluation purposes; Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 80 or 90 points</p> | | | | | | | | | | |

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| | | | | | | |
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| | | Review Date | February 2028 | | | |

3.17 Evaluation of Specific Goals

The 90/10 price and preference scoring will be applicable.

Price points will be calculated out of 90 for price. A maximum of 10 points will be allocated for specific Goals. The prices and preference points will be added together to determine the highest scoring tenderer.

Calculate price points out of 90 (Price = Tendered or evaluated price);

| Adjudication Criteria | Points |
|---|--------|
| Price Evaluation $P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ | 90 |

Where:

Ps = Points scored for price of Bid under consideration

Pt = Rand value of Bid under consideration

Pmin = Rand value of lowest acceptable Bid

The above 90 points price calculation formula will be used and the 10 points will be allocated as follows:

| 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 | 0 |

To claim preference points as specific goals, a tenderer must submit the following documentation:

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.
- Proof of ownership/ shareholding (preferably CIPC documentation) inclusive of shareholding breakdown.
- Certified ID copies of shareholder(s).
- Proof of Disability (where applicable).

Tenderers failing to provide required documentation for the allocation of preference points will not be disqualified, but

(a) Will only score points out of 90 for price

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| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

(b) Will score 0 points out of 10 for specific goals.

The points scored for price will be added to the points scored for B-BBEE status level of contribution to obtain the tenderers total points scored out of a 100.

The prices and preference points will be added together to determine the highest scoring tenderer.

3.18 Ranking of tenders

The 90/10 price and preference scoring will be applicable.

Price points will be calculated out of 90 for price. A maximum of 10 points will be allocated for specific Goals. The prices and preference points will be added together to determine the highest scoring tenderer.

Calculate price points out of 90 (Price = Tendered or evaluated price);

| Adjudication Criteria | Points |
|---|--------|
| Price Evaluation $P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ | 90 |

Where:

Ps = Points scored for price of Bid under consideration

Pt = Rand value of Bid under consideration

Pmin = Rand value of lowest acceptable Bid

The above 90 points price calculation formula will be used, and the 10 points will be allocated as follows:

| 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 | 0 |

To claim preference points as specific goals, a tenderer must submit the following documentation:

- o Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.
- o Proof of ownership/ shareholding (preferably CIPC documentation) inclusive of shareholding breakdown.
- o Certified ID copies of shareholder(s).
- o Proof of Disability (where applicable).

Tenderers failing to provide required documentation for the allocation of preference points will not be disqualified, but

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| | | | | | | |
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| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

- (a) Will only score points out of 90 for price
(b) Will score 0 points out of 10 for specific goals.

The points scored for price will be added to the points scored for B-BBEE status level of contribution to obtain the tenderers total points scored out of a 100.

The prices and preference points will be added together to determine the highest scoring tenderer.

A tenderer may not be awarded points for specific goals if the tender documents indicate that the tenderer intends to subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that can execute the subcontract.

Suppliers 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

state that either 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

Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.

3.19 Objective Criteria

Local production and content (Designated Products)

This project contains equipment, construction components/parts that have been designated for Local Production and Content. Specific tendering conditions that only locally produced goods or services with a stipulated minimum threshold for Local Production and Content as designated by the Department of Trade, Industry and Competition (the DTIC) will be considered as part of the contractual requirements.

The fully completed and signed SBD 6.2 (Declaration Certificate for Local Production and Content) together with Annexure C (Local Content Declaration: Summary Schedule) will be part of the Tender Returnable for contractual requirement.

The following stipulated minimum thresholds for local production and content must be achieved in full by the tenderer. The list below may change depending on the latest issued list by the Department of Trade Industry and Competition (DTIC) and the tender will comply with any latest list.

| Commodity | Local Content Threshold |
|---------------|-------------------------|
| Steel | 100% |
| Cement | 100% |
| Cables | 90% |
| Line hardware | 100% |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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| Insulators | 100% |
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The tenderers will be requested to complete, sign and submit the local content declaration form (Annexure SBD 6.2 and Annexure C) confirming the sourcing of the above products from South Africa as designated by the DTIC. This will become a condition of contract.

Subcontracting Requirements

It is required that a minimum 30% of the contract value be subcontracted to one or more of the designated groups stated below, as a condition of contract:

- i. An EME or QSE which is at least 51% owned by black people.
- ii. An EME or QSE which is at least 51% owned by black people who are youth.
- iii. An EME or QSE which is at least 51% owned by black people who are women.
- iv. An EME or QSE which is at least 51% owned by black people with Disabilities.
- v. An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships.
- vi. A cooperative which is at least 51% owned by black people.
- vii. An EME or QSE which is at least 51% owned by black people who are military veterans;

The following will be required as proof

- Proof of a sub-contracting agreement/s must be submitted.
- CSD report of subcontractors
- Sub-contractor/s B-BBEE certificate / sworn affidavit.

Subcontracting, in this instance, will be treated as a condition for contract award. A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

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.

CONTRACTUAL REQUIREMENTS:

Items that will be evaluated as part of the contractual requirements are as follow:

- Financial Statements analysis,
- Safety, Health & Environment, Quality (SHEQ), and Security
- Supplier Development Localization and Industrialisation (SDL&I)

Financial Evaluation

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

A financial analysis of the financial statements of the qualifying tenderers will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be awarded the contract.

SHEQ Requirements

All suppliers will be expected to achieve the minimum SHEQ requirements as per the criteria that will be issued with the enquiry.

Supplier Development, Localisation and Industrialisation

CIDB Standard for Skills

Eskom will apply the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 23 August 2013 (Board Notice 180 of 2013, Government Gazette 36760) (“the CIDB Skills Standard”) to the Contractor

It will then be mandatory for the supplier to match Eskom’s targets as follows:

| Criteria | Eskom Target |
|------------------------|--------------|
| Engineers | 2 |
| Steel fixers | 5 |
| Health Safety Officer | 2 |
| Site supervisor | 2 |
| Climbers | 5 |
| Environmental officer | 2 |
| Administrator | 2 |
| Land surveyor | 2 |
| Assembler | 5 |
| Foundation team Leader | 2 |
| Concrete Reinforcer | 5 |
| Rigger | 2 |
| Cabler | 5 |

Job creation

Suppliers will be required to propose the number and type of jobs to be created and retained as a direct result of this contract and to prioritise employing semi-skilled and general labour from local communities.

B-BBEE Certificate

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

Tenderers will be required to submit a valid B-BBEE Certificates to comply with the B-BBEE Act. Suppliers are expected to improve or maintain their B-BBEE status through-out the contract period. Eskom reserves the right to verify the authenticity of the certificate.

SDL&I Penalty and Performance Security

As security for the fulfilment of all SDL&I obligations, Eskom will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&I performance reports every quarter; or failure to meet the SDL&I obligations in a contract.

NIPP

In line with DTI requirements on imported content that are above \$5million, the National Industrial Participation Programme has to be applied in order to stimulate local manufacturing capability and job creation. International manufactures of Capacitor Voltage Transformers have to commit on minimum thirty percent local participation programme through formalized DTI NIPP obligations agreements. Therefore, in line with NIPP requirements, once the contract is awarded, the international company has to complete the SBD 5 form as an undertaking to DTI.

The above NIPP obligation will apply only if the foreign portion is equivalent or more than the stipulated minimum threshold of \$5 million. Suppliers will be encouraged to indicate or declare how much local manufacturing / procurement spend amounts to in this transaction. In an event where the foreign content does not exceed the NIPP threshold of \$5 million, the normal SDL&I targets of skills development, Subcontracting and job creation will be applied.

Corporate Social Investment

Corporate social investment (CSI) is a form of corporate social responsibility, which is a company's overarching approach or strategy for improving the social, environmental and economic well-being of our communities or societies at large. Eskom through its corporate social initiatives and development programmes has over time contributed significantly towards the upliftment of many impoverished communities. Eskom also encourages and contractually commits its business partners to do the same so that the lives in those communities are improved and uplifted.

The Contractor is required to spend 1% of the contract value of project(s). The Contractor must in co-operation with the Eskom Project representative, identify value added initiative/s to achieve the aim of leaving legacies and geographical footprints in the project area and local communities.

Eskom will approve the CSI projects prior to the Contractor executing them.

CSI projects must be identified in consultation with Eskom and Local Stakeholders and be implemented within the first six (6) months of the project commencement.

Failure for the Contractor to comply with these requirements, relevant penalties will be imposed. In the event that the Contractor fails to spend the monies allocated to CSI, Eskom will have the right to deduct the allocated spend from the Contractor's Payment Certificate(s) and transfer such funds to the Eskom Development Foundation for the execution of the relevant CSI Project(s).

| | |
|----------------------------|--|
| 2.25 Contractual Condition | The conditions of contract will be the NEC3 (ECC) |
|----------------------------|--|

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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| | <p>Priced contract with bill of quantities</p> <p>W1: Dispute resolution procedure</p> <p>Secondary Options</p> <p>X1: Price adjustment for inflation X2: Changes in the law X3: Multiple currencies X4: Parent Company Guarantee (if applicable) X5: Sectional Completion X7: Delay damages (to a maximum of 10% of the contract value) X13: Performance Bond (10% of the contract value) X16: Retention (5% of the contract value) X18: Limitation of liability Z: Additional conditions of contract</p> <p>To be noted that where a parent company guarantee is issued by a company, a performance bond will not be requested to minimise costs associated with the provision of such facilities.</p> <p>The recommended supplier 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 supplier 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> <p>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> |
| CIDB Requirements | 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 <i>Employer</i> . |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

Tenderers should have a valid Construction Industry Development Board (CIDB) registration. Tenderers should have a CIDB contractor grading designation of **9EP**.

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 Electrical Engineering. class of construction work, are eligible to have their tenders evaluated.

However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.

In case of Joint Ventures:

- (a) Every member of the joint venture is registered with the cidb;
- (b) The lead partner has a contractor grading designation in the Electrical Engineering class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status.

The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for an Electrical Engineering class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

Please note:

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

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

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

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

1.3 TENDER RETURNABLES

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

NOTE:

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

** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 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.

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| Reference | Returnable From Suppliers | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|--|--|---|--|--|
| Basic Compliance | One (1) ORIGINAL hard copy of the tender plus One (1) COPY of the tender (in hard copy format) Copy with the 2-envelope system. | ✓ | | |
| Annexure A | Acknowledgement Form | | ✓ | |
| Annexure B | Tenderers Particulars | | ✓ | |
| Annexure C | Integrity Pact Declaration form | | ✓ | |
| Annexure D | CPA for local goods/services (if applicable) | ✓ | | |
| Annexure E | CPA(IG) for imported goods/services (if applicable) | ✓ | | |
| Annexure F1-F4 | SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E | | ✓ | |
| Annexure G (including Foreign suppliers) | SBD 1- to be completed and submitted by all tenderers. | | ✓ | |
| # Annexure H | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations | | ✓ | |
| Annexure I | SBD 4 – Bidders Disclosure | | ✓ | |
| Annexure J | SBD 8 – Declaration of bidder’s Supply Chain Management Practices | | | ✓ |
| Annexure K | Supplier Development & Localisation (SD&L) Undertaking- Matrix | | ✓ | |
| Additional Documents required in event of JV: - | Letter of intent to form a JV/consortium. | | | |
| | Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios | | ✓ | |
| | Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement. | | | |
| | A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B- | | | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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| | <p>BBEE Status Level Verification Certificate for every separate tender. (This must be read in conjunction with the Paragraph on BBEE certificates, below).</p> | | | |
| | <p>“proof of B-BBEE status level of contributor” means: - (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; (as may be applicable for the particular tendering entity) 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. The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p> | | ✓ | |
| | | | | |
| | <p>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.</p> | | | ✓ |
| # Specific Goals | <p>Failure on the part of the supplier to submit “proof of specific goals for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p> | | ✓ | |
| CSD Registration | <p>It is mandatory for local to S A tenderers to be CSD registered at the tender closure date. Foreign suppliers are not required to register with CSD, but should they be successful, they will be required to register.</p> | ✓ | | |
| Tax Clearance Certificates | <p>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.</p> | | | ✓ |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | | | | |
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| Compliance with Employment Equity Act | To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only) | | ✓ | |
| CIDB | <p>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 <i>Employer</i>.</p> <p>Tenderers should have a valid Construction Industry Development Board (CIDB) registration. Tenderers should have a CIDB contractor grading designation of 9CE/EP.</p> <p>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 Electrical Engineering. class of construction work, are eligible to have their tenders evaluated.</p> <p>However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.</p> <p><u>In case of Joint Ventures:</u></p> <p>(c) Every member of the joint venture is registered with the cidb;</p> <p>(d) The lead partner has a contractor grading designation in the Electrical Engineering class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status.</p> <p>The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for an Electrical Engineering class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.</p> | ✓ | | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | | | | |
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| Shareholding/ Organogram | Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers). | | ✓ | |
| NEC Documentation | Completed NEC pricing schedule, contract data and Activity schedule. Activity Price Schedule must also be submitted in excel sheet format – (excel is not a disqualifier) | ✓ | | |
| Funding Letter | Letter of acknowledgment of funding requirements. | | ✓ | |
| Confirmation of Addenda | Confirmation of receipt of addenda to enquiry document | ✓ | | |
| SACPCMP Requirements | Project Manager(s) and Construction Manager(s) to have Proof of registration with South African Council for Project and Construction Management Professions (SACPCMP) or international equivalent authority. | ✓ | | |
| ECSA Requirements | Electrical, Civil and Structural Engineer(s) to have Proof of registration with Engineering Council of South Africa (ECSA) or International equivalent authority. | | ✓ | |
| Safety; Health; Environmental & Quality | <p>Health & Safety (H&S): Occupational, Health and Safety files which demonstrates compliance with Eskom's OHS specification, Baseline Risk Assessment and the evaluation checklist (240-77471651, TPDMAN-FM-99 & TPDMAN-SP-84) serving as a guide.</p> <p>Environmental: The following are the reference documents that shall be conformed with.</p> <ul style="list-style-type: none"> • Environmental File should contain information as required and stipulated in Environmental Requirements for Contractors and/or Suppliers (TPDMAN-ST-37). • Environmental Tender Evaluation Form (TPDMAN-FM-120) • Environmental Requirements Proforma (TPDMAN-FM-57) • TPD Waste Management Plan (TPDMAN-PN-53) • Project Environmental Management Programme and Environmental Authorisations. • The current Environmental Management Plan must be adhered to including the Environmental Authorization and applicable permits <p>Quality:</p> | | ✓ | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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| | Quality file containing information that confirms compliance to QM58 and containing information required for evaluations as indicated in the evaluation checklist (240-12248652). | | | |
| Supplier Development Localization & Industrialization (SDL&I) | Skills development matrix: Tenderer to submit a completed matrix that will be issued with the tender document. Job creation: Tenderer to submit information on jobs that will be created during the implementation of the works. NIPP (National Industrial Participation Programme). The main contractor will be required to propose development in line with NIPP requirements. (If applicable) | | ✓ | |
| Additional documents required | Project Manager(s) and Construction Manager(s) to have Proof of registration with South African Council for Project and Construction Management Professions (SACPCMP) or international equivalent authority. As part of due diligence tendering companies may go through screening process by the State Security Agency of South Africa (SSA) and the following documents are required: (a) Company Profile (b) Director's Identification (ID) copies (c) Companies and Intellectual Property Commission (CIPC) Registration (d) Security Services companies are to provide the The Private Security Industry Regulatory Authority (PSiRA) registration Eskom may request additional information for company security screening purposes as and when required by the SSA. Foreign companies may also be subjected to screening process. | | ✓ ✓ ✓ | |
| | DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS | | | |
| 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 | | ✓ | |

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| | | | | | |
|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

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| | not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available. | | | |
| | DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA | | | |
| Technical | Provide all completed A/B schedules, and all required information as per technical evaluation requirements. | ✓ | | |
| | All documents to be in English | ✓ | | |

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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

| | |
|--|--|
| | |
| | |
| | |

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:

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: _____

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|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

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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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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 | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | |
|--|--|
| CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data | |
| 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 supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. 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 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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | | | |
|-----|--------------------------|----|--------------------------|
| 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? _____

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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: _____

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 |
|---|---|------------------|
| | | |
| | | |
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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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:-

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.

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

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

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.

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| | | | |
|----------------------------|---------------|------------|----|
| Document Identifier | 240-114238630 | Rev | 16 |
| Effective Date | February 2023 | | |
| Review Date | February 2028 | | |

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>[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].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.2 | <p>Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.3 | <p>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?</p> | | |
| 1.3.1 | Provide details. | | |
| 1.4 | <p>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</p> | | |
| 1.5 | <p>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?</p> | | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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:

| 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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| | | | | | |
|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

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

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

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

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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing | |
| Date: | |

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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

Joint Ventures

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

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

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

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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing | |
| Date: | |

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

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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. 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:

1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. 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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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

3. ESKOM'S PREFERRED INDEX LIST

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

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

1. The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

3. NUMBER OF FORMULAE & INDICES

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

4. 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.

5. BASE DATE

1. 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
2. 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
1. In this case, the following shall apply:
 1. Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 2. Where a high, low and mean are published:
The mean
 3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

The Cash Settlement or Cash Sellers Price

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

3. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

| | | | |
|----------|-------|----------|-------|
| Signed | _____ | Date | _____ |
| Name | _____ | Position | _____ |
| Tenderer | _____ | | |

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

| Labour | Commodities | Processed material | Transport | Others |
|---|--|--|--------------------------------|--|
| Labour general (hourly paid) SEIFSA, C3, actual labour cost | Steel StatsSA, P0142.1 Table 2, basic iron and steel | Mechanical engineering material SEIFSA, G, mechanical engineering material | SEIFSA, L2, road freight costs | StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI) |
| | Copper SEIFSA, F, copper metric ton | Electrical engineering material SEIFSA, G-1, electrical engineering material | | |
| Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence | Aluminium SEIFSA, R, aluminium Zinc SEIFSA, F, zinc | Building and construction material | | StasSA, PO142.1), PPI 4. Final Manufacture d Goods |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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|-------------------|--------------------------------|---|--|---|
| allowance is paid | Lead SEIFSA ,F, lead | SEIFSA, G, building and construction material | | Or 5. Intermediate Manufacture d Goods OR 6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods |
|-------------------|--------------------------------|---|--|---|

Table 2: Preferred Foreign Index List

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

| |
|--|
| Closing date of tender _____ / _____ / _____ TENDERER'S SIGNATURE _____ |
|--|

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| | | | | | |
|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.

Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method.

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

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

Payment Method 1B;

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

Please note:

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

Applicable(Y/N) or

Payment Method 2:

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

the supplier.

Please note:

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

Applicable (Y/N).....

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

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

Fixed ZAR pricing

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

Applicable (Y/N).....

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

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

PART 2: EXCHANGE RATES

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

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

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

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

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

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

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

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

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

1. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

2. EXPATRIATE LABOUR METHOD

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

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

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

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

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

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

| |
|--|
| Closing date of tender _____ / _____ / _____ |
| TENDERER'S SIGNATURE _____ |

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| | | | | | |
|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

x is the imported content in Rand

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

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

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

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

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

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

| Currency | Rates of exchange |
|-----------------|--------------------------|
| US Dollar | |
| Pound Sterling | |
| Euro | |
| Yen | |
| Other | |

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

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

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

IN RESPECT OF BID NO.

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

NB

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

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

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

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

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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

| | |
|--|---|
| 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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|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

| | | | | | |
|--|--|---------------|--|---------------|--|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | | CLOSING DATE: | | CLOSING TIME: | |
| DESCRIPTION | | | | | |

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

| |
|--|
| |
| |
| |
| |

SUPPLIER INFORMATION

| | | | | | |
|--|---|--|-------------------------------------|---------|---|
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <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 | | | |

[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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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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 | | CONTACT PERSON | |
| CONTACT PERSON | | TELEPHONE NUMBER | |
| TELEPHONE NUMBER | | FACSIMILE NUMBER | |
| FACSIMILE NUMBER | | E-MAIL ADDRESS | |
| E-MAIL ADDRESS | | | |

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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 | |
| 1. | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 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. |
| 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. |
| 4. | BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. |
| 5. | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. |
| 6. | 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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

1. The following preference point systems are applicable to invitations to tender:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. 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).

1. The applicable preference point system for this tender is the 90/10 preference point system.
2. The applicable preference point system for this tender is the 80/20 preference point system.
3. 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.
 1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 1. Price; and
 2. 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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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:

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = 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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

- 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) |
|---|--|--|--|--|
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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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

- 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.

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| | | | | | |
|---|---|----------------------------|---------------|------------|----|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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 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 |
|-----------|-----------------|---------------------------|
| | | |
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| | | |

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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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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 consortium² will not be construed as collusive bidding.

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

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

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

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

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| | | | | | | |
|---|---|----------------------------|---------------|------------|----|--|
|  | Invitation to Tender/ Request for Proposal (RFP) | Document Identifier | 240-114238630 | Rev | 16 | |
| | | Effective Date | February 2023 | | | |
| | | Review Date | February 2028 | | | |

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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