

	Invitation to Tender	Template Identifier	240-114238630	Rev	3
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	July 2021		
		Enquiry No	DX 896		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE DESIGN, MANUFACTURE, TESTING, SUPPLY, (INCLUSIVE OF SPARES AND TRAINING) OF ESTIMATED QUANTITIES OF 3.3 KV TO 33 KV FREE STANDING RING MAIN UNITS (RMU'S) FOR ESKOM ON AN 'AS AND WHEN REQUIRED' BASIS FOR A PERIOD OF FOUR (4) YEARS

Enquiry Number	DX 896
Issue date	10 November 2021
Closing date and time	14 December 2021 at 10:00 South African Standard Time (SAST)
Tender validity period	12 Months from the closing date and time
Clarification meeting (Non-compulsory)	19 November 2021 at 12h00 (SAST) MS Team Clarification (More details in terms of the link will be uploaded into all applicable tender bulletin platforms)
Tenders are to be delivered to the following address on the stipulated closing date and time:	TENDER ADVICE CENTER (Eskom Retail Park) Eskom Holdings SOC Limited Megawatt Park, Maxwell Drive, Extension 3 Sunninghill, Johannesburg, South Africa, 2157 Enquiry No. DX 896

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the design, manufacture, testing, supply, (inclusive of spares and training) of estimated quantities of 3.3kV to 33kV free standing Ring Main Units (RMU's) for Eskom on an ‘as and when required’ basis for a period of four (4) years.

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

- Free of charge

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

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

Yours faithfully



Thulani Mdakane
Procurement Manager

Date: 10 /11/2021

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- 1.2 Tender Data
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6. Annexures

No.	Description	Annexure to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*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
6.4	CPA Requirements for Local (South African)	Annexure D	Y
6.5	CPA (IG) for Foreign Goods/services (if applicable)	Annexure E	Y
6.6	*Addenda acknowledgement form	Annexure F	Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1 - Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.9	Supplier Development Localisation & Industrialisation Undertaking	Annexure I	Y

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2. TENDER DATA

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom Representative is: Name: Noleen Francis Tel: 011 800- 8671 E-mail: FranciNM@eskom.co.za
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies. Tenderers are deemed ineligible to submit a tender if • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services; • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium; • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms; • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this RFP process, if : ○ (a)they have a controlling partner/majority shareholder in common; or

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	○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; ○ Tenders signed by non- authorized persons; ○ Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers); ○ A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations; ○ Any tenderer that is restricted by National Treasury; ○ A tenderer that sub-contracts 100% Scope of Work. Ineligible tenderers will be disqualified.
1.3 Enquiry documents	The Invitation to tender number is : DX 896 See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender	This invitation to tender is an open Invitation to Tender .
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole or part of the contract.
2.2 -2.5 Tender Closing	The deadline for Tender submission is : Date: 14 December 2021 Time: 10h00 (SAST) Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: TENDER ADVICE CENTER (Eskom Retail Park) Eskom Holdings SOC Limited Megawatt Park Maxwell Drive, Extension 3 Sunninghill, Johannesburg South Africa, 2157 Enquiry No. DX 896 Late Tenders will not be accepted
3.10 Mandatory tender returnables	See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award. The tenderer will be disqualified

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	if mandatory tender returnables are not submitted on/before the stipulated deadlines. Where certain documents may be required as evidence of compliance to Pre-qualification criteria; and these are not provided by stipulated deadlines; then the tenders will be disqualified.
2.9 Copy of original tender	The tenderer shall submit an original tender file, one (1) hard copy (identical to the original) and one (1) soft copy (USB) labelled in the same format as the original tender file. Files should be labelled accordingly; • Commercial (Including SDL&I) • Finance • Technical • Quality The Pricing Schedules, Technical Schedules A&B, Tools, Spares, Drawings and Tests Schedules must be included in the electronic submission in PDF format and in the original Microsoft Excel format. Tenderers shall pay careful attention to the creation of the USB, ensuring that all data is successfully saved to the memory stick. Eskom cannot accept missing information from Tenderers following tender closure. Where a Tenderer does not submit one (1) complete hard copy and one (1) USB of the original tender at tender submission deadline, will be disqualified.
2.13 Tender Validity Period	The tender validity period is 12 weeks.
2.16 Non-compulsory clarification meeting	A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 19 December 2021 at 12h00 (SAST) MS Team Clarification (More details in terms of the link will be uploaded into all applicable tender bulletin platforms) <i>Tenderers</i> should confirm their intention to attend the clarification meeting with the Eskom <i>Representative</i>

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2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer Representative</i> of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission. Clarifications to be e-mailed to: Name: Noleen Francis E-mail: FranciNM@eskom.co.za All clarification responses will be posted on Eskom's Tender Bulletin and National Treasury e-Portal.
2.25 Conditions of contract	The conditions of contract will be the NEC 3 Supply Contract
2.23 Alternative tenders	Alternative tender(s) are not allowed.
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline; or Tenders will be opened on 14 December 2021 at 10h00 (SAST): TENDER ADVICE CENTER (Eskom Retail Park) Eskom Holdings SOC Limited Megawatt Park Maxwell Drive, Extension 3 Sunninghill, Johannesburg South Africa, 2157
3.5 Prices to be read out	Prices will <i>not be read out</i> .
3.9 Basic Compliance	Basic compliance for this invitation to tender are: • Meet the eligibility criteria for a tenderer; • Submit one (1) complete original tender file; • Submit one (1) complete hard copy of the original tender file; • Submit one (1) USB of the original tender file; • Submission of the mandatory commercial tender returnables as at stipulated deadlines and • Central Supplier Database (CSD) number (MAA.....)

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3.10 Mandatory tender returnables	Mandatory tender returnables required for scoring are listed on Page 13 of this document. Tenderers who do not submit mandatory tender returnables as at stipulated deadlines will be disqualified.
3.11 Pre-qualification criteria	Tenderers shall have B-BBEE Contributor Level 1 to 4. A valid B-BBEE Certificate (issued by SANAS accredited Verification Agencies) or a signed & dated sworn affidavit for EMEs and QSEs should be submitted with the tender.
3.12 Designated materials and thresholds	Designated material thresholds are not applicable.
3.13 Functional requirements	Functional requirements are applicable. The requirements for technical functional scoring hereunder.
3.15 Evaluation of price	Prices will be evaluated as follows: • Inclusive of VAT; • Making the specified correction for arithmetical errors; • Excluding contingencies in any bill of quantities or activity schedule; • Making an adjustment based on the application of the quantitative information entered by tenderers in the Contract Data provided by the Supplier to provisional amounts assessed by Eskom's Representative. A model tender assessment schedule suitable for use with Options of the NEC3 Supply Contract may be included in the tender returnables for this purpose; • Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted; • Making a comparison of the Nett 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; • 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 affected and • Prices will be scored out of 90 points.

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3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 10 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will be disqualified (as the B-BBEE Level is a pre-qualification criterion).
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the: • 90/10 methodology and • Award contracts to a minimum of one (1) and maximum of three (3) Manufacturer / Suppliers as per PPPFA top ranking. • Suppliers will be awarded contracts based on the highest ranking on bottom line or alternatively like for like will be ranked using the PPPFA scoring. • The allocation will be shared equally amongst the maximum number Manufacturers / Suppliers shortlisted however that might change as results of one potential Manufacture / Supplier failing to meet Eskom market related prices. Which means the allocation will be influenced by the final negotiated rates. • The one who will be offering lower will end up getting a bigger portion. • The estimated quantities are non-committal. The contract will be on “an as and when required” basis.
3. 19 Objective criteria (if applicable)	Objective criteria are applicable: The following objective criteria apply: • Quality requirements • Financial Statements Analysis “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made. Tenderers will not be disqualified if they do not comply with the objective criteria. Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.

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Please note:

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

“Eskom reserves the right to award to a supplier who may not be the highest scoring/highest ranked supplier, in line with Section (2)(1)(f) of the PPPFA”.

Eskom may only cancel a tender for the second time with the prior approval of the relevant treasury. Eskom must make representation to the relevant treasury stating reasons for cancellation for the second time. This cancellation (for the second time), however does not refer to price quotations in terms of threshold for procurement but tenders that have been advertised for open competitive tendering process.

The decision to cancel a tender invitation will be published in the same manner in which the original tender invitation was advertised.

Prequalification may be used in identified tenders to advance designated groups on the basis of B-BBEE Status Level of contributor, EME or QSE or on the basis of subcontracting with EMEs or QSEs which are 51% owned by either of the following: Blacks; Black Youth; Black Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.

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1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

Documents preceded by * are required at tender returnable stage (B-BBEE certificate) will result in disqualification.

Documents preceded by ** do not need to be submitted physically to Eskom (either at tender deadline or before contract award, if the tenderer is registered with CSD, has provided a valid registration number as required in **Annexure B** (the tenderer's particulars) and such documents **can be verified on CSD**.

Please note that foreign suppliers (with no footprint in RSA) are not required to be registered on CSD and therefore they may be required to provide hard copies of relevant documentation.

Reference	Returnables from supplier	Mandatory returnable for evaluation	Mandatory returnable for contract award
COMMERCIAL			
Basic Compliance	- One (1) original tender file - One (1) complete hard copy of the tender file and - One (1) USB of the tender file	✓	
Central Supplier Database	CSD Registration Number	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Declaration form	✓	
Annexure D	CPA for local goods/services	✓	
Annexure E	CPA(IG) for imported goods/services	✓	
Annexure F	Confirmation of receipt of addenda to enquiry document	✓	
Annexure G	SBD 1- to be submitted with the tender at tender submission deadline	✓	

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Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I	Supplier Development Localisation & Industrialization 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-BBEE Status Level Verification Certificate.	✓	
	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.		✓
NDA	Confidentiality & Non-Disclosure Agreement	✓	
*B-BBEE Certificates (Pre-qualification)	Failure on the part of the supplier to submit a valid BBEE Certificate Level 1-4 (issued by SANAS accredited Verification Agencies) or a signed & dated sworn affidavit for EMEs and QSEs by the tender closing deadline will result in disqualification.	✓	

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Tax Clearance Certificates	Foreign suppliers who have answered yes to any of the questions in the relevant section of SBD 1 and who have not provided a CSD or SARS E-filing pin number as per Annexure A, will need to provide a copy of a valid tax compliance certificate.		✓
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).		✓
Shareholding	Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
NEC Documentation	NEC3 Supply Contract	✓	
FINANCIAL			
Pricing	PS5 Pricing Schedule	✓	
Financial Statements	Audited Financial Statements of the <i>tenderer</i> for the previous two financial years, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV/ SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓

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	Note: It is important to submit the Financial Statements of the tender document for Eskom to be able to determine the financial standing of the company.		
Performance Bond	Form of intent to provide a performance bond		✓
CPA - Local	CPA for local goods/services (Annexure D)	✓	
CPA - Foreign	CPA(IG) for imported goods/services (Annexure E)	✓	
TECHNICAL			
Functionality Criteria	Document / letter confirming that the tenderer has local South African facilities and capabilities to perform the final assembly, testing and technical support of the RMU (Refer to 240-133693752)	✓	
	Fully compliant type tested free standing RMUs and free standing IRTU fitted RMUs in accordance with SANS 1874, SANS 62271-200, SANS 62271-202, 240-56030406, 240-97690165	✓	
	Completed Technical Schedules A & B.	✓	
	Tools, Spares, Drawings, Brochures & Type Tests schedules	✓	
	Type test and routine test reports.	✓	
	Plus any other documents in accordance with 240-133693752 Rev 3	✓	
QUALITY			
Objective criteria	ISO 9001:2008 Valid certification of Quality Management System by an ISO accredited body. The following documents are required: - Product/ Service Scoping on ISO 9001 certificate is defined and relevant - Certificate by Approved and Authorized Certification Authority - Certification Authority has Recognized International		✓

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	Accreditation		
	Signed and completed (Form A)		✓
	Evidence of QMS In Operation		✓
	Draft Quality Control Plan.		✓
	Draft Inspection and Test Plans.		✓
SUPPLIER DEVELOPMENT & LOCALISATION UNDERTAKING			
	SDL&I Matrix – Annexure I		✓

Note: failure to submit the list of tender returnables which are mandatory for evaluation will render the tender as non-responsive and will be disqualified.

2.5 FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING

Please refer to document Unique Identifier number 240-133693752 Rev 3 for detail Technical evaluation criteria for free standing Ring Main Units (RMU)

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ANNEXURE A

ACKNOWLEDGEMENT FORM : DX 896

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

-

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

1. We agree to provide the cataloguing information as described in the *tender submission*. ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order ***[insert previous invitation to tender 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. ☐

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		Review Date	July 2021		
		Enquiry No	DX 896		

Invitation to Tender No. DX 896

Name of company/JV: _____

Country of registration_____

Name of contact person:_____

Contact details of contact person:

Tel (landline) _____

Cell phone_____

e-mail address_____

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

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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. Alternatively, you may contact Babalwa Mhlophe from Vendor Management, MhlophB@eskom.co.za, who can assist you further with the registration on CSD.
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

YES		NO	
-----	--	----	--
- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.4 Please confirm B-BBEE level of said sub-contractor _____
- 8.5 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women
 - d. Black people with disabilities
 - e. Black people living in rural or underdeveloped areas or townships
 - f. Cooperatives which are 51% owned by Black people
 - g. Black people who are military veterans

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

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

YES		NO	
-----	--	----	--
- 8.7 Have you attached proof of sub-contractor's belonging to designated group?

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

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A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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

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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.

2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____

2. DECLARATION OF FAIR TENDERING PRACTICES

This serves as a declaration that when goods/services are being procured, all reasonable steps have been taken to address and/or prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

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

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

Item	Question	Yes/No	No
1.1	Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.2.1	Provide details:		
1.3	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

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Joint Ventures

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

_____ (insert the full legal name of the JV).

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

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

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

The prices will be fixed and firm for the first 12 months of the contract, thereafter CPA will apply, as per Clause X1 on every 12 month intervals.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

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

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

b. Additional/Alternative offer:

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

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

Additional/Alternative Offers must be clearly indicated as such.

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3. ESKOM'S PREFERRED INDEX LIST

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

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

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

5. NUMBER OF FORMULAE & INDICES

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

6. CPA FIXED PORTION

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

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be: ***One month before the validity period of (12 weeks) of the Enquiry closing date***
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:

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The mean

- Where other prices than the Cash Settlement or Cash Sellers Price are published:

The Cash Settlement or Cash Sellers Price

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

Signed		Date	
Name		Position	
Tenderer			
			

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Table 1: Preferred Local Index List

Labour	Commodities	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel SEIFSA Table Q-1(A): hot rolled plate (flat sheet)	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) OR SEIFSA, D-1 (CPI)
	Neoprene SEIFSA Table M-3 synthetic rubber 1712		
	Paint SEIFSA Table T		StasSA, PO142.1 (P1000002), PPI all groups OR SEIFSA, U (Domestic Output)

Notes:

- This list of indices needs to be relevant to the commodity.
- Kindy refer to the draft NEC Supply Contract, C1 2a SC3 Data by Purchaser, page 6 clause X1 (Price Adjustment for Inflation) for the weightings to be applied for CPA.

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Table 2: Preferred Foreign Index List

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

Notes:

- This list of indices needs to be relevant to the commodity.
- Kindy refer to the draft NEC Supply Contract, C1 2a SC3 Data by Purchaser, page 6 clause X1 (Price Adjustment for Inflation) for the weightings to be applied for CPA.

Closing date of tender _____/_____/_____

TENDERER'S NAME _____

TENDERER'S SIGNATURE _____

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed. Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.

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

Note: Only Eskom acceptable international currencies can be used for tender purposes and the indices to be used will be linked to these currencies.

The following is a list of all currencies that Eskom deals with and the indicator assigned to each currency. Payment to suppliers in any currency listed below shall first be sanctioned by Treasury:

Indicator	Currency
AED	United Arab Emirates Dirham
AUD	Australian Dollar
BWP	Botswana Pula
CAD	Canadian Dollar
CHF	Swiss Franc
DKK	Danish Krone
EUR	Euro
GBP	Great British Pound
HKD	Hong Kong Dollar
IDR	Indonesian Rupee
ILS	Israeli Shekel
INR	Indian Rupee
JPY	Japanese Yen
KES	Kenyan Shilling
LSL	Lesotho Maloti
LYD	Libyan Dinar
MWK	Malawi Kwacha
MIR	Malaysian Ringgit
MZM	Mozambique Meticals
NAD	Namibian Dollar
NGN	Nigerian Naira
NOK	Norwegian Krone
NZD	New Zealand Dollar
SAR	Saudi Arabian Rial
SEK	Swedish Krone
SGD	Singapore Dollar
THB	Thailand Baht
TWD	Taiwanese Dollar
TZS	Tanzanian Shilling
USD	United States of America Dollar
ZAR	South African Rand

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PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1:

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)

1b) To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

Please note:

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

Applicable(Y/ N) or

Payment Method 2:

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

Please note:

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

Applicable (Y/ N)

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

[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender

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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.

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.

Provided that the tenderer nominates either Payment Method 1 or 2 as the main tender offer, an alternative payment method offering a fixed price not subject to exchange variation may be offered for Eskom's consideration.

Where Payment Method 2 is used and the exchange rate variation is favourable to Eskom at the date of payment, Eskom will debit the difference between the invoice value and the amended value at the date of payment, based on the selling spot rate of exchange obtainable by Eskom's Treasury on the notified payment date.

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.

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PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

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

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

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

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

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

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

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4.2 EXPATRIATE LABOUR METHOD

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

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

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

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

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

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

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

Closing date of tender _____/_____/_____

TENDERER'S NAME _____

TENDERER'S SIGNATURE _____

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ANNEXURE F



CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

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

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

(Attach additional pages if more space is required)

Name and Designation

Signature

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ANNEXURE G

SBD 1

PART A

INVITATION TO BID

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

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

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PART B TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:	
1.1.		BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.		ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.		BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.		WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.		THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2.	TAX COMPLIANCE REQUIREMENTS	
2.1		BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2		BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3		APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4		BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5		IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6		WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.		

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

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point system is applicable to all bids:

- The 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- The 90/10 preference point system will be applicable to this tender.

1.2 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
Total points for Price and B-BBEE must not exceed	100

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

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

2. DEFINITIONS

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

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1 of the Broad-Based Black Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

3.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

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

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Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

4.2

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

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 points)

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

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7. SUB-CONTRACTING

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

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.2 If yes, indicate:

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

iv) Whether the sub-contractor is an EME or QSE

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

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8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

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

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

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

(a) disqualify the person from the bidding process;

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- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

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

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ANNEXURE I – SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALIZATION

Supplier Development & Localisation's mandate is to achieve maximum and sustainable local development impact through leveraging Eskom's procurement spend in a manner that allows flexibility within the business in order to accommodate government local development initiatives and policies. This shall be achieved by positively influencing the following: Local Content, Skills Development, Supplier Development, Job Creation and Industrialization.

Note: "Eskom reserves the right to award to a tenderer who may not be the highest scoring or highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA."

1) Prequalification

- Tenderers shall have B-BBEE contributor level of between 1 and 4. A valid BBEE certificate (issued by SANAS accredited Verification Agencies) or a signed & dated sworn affidavit for EMEs and QSEs should be submitted with the tender.

2) BBEE

Tenderers' valid B-BBEE certificates shall be evaluated and allocated points in accordance with the B-BBEE Preferential Points Scorecard shown below:

Figure 1: Preference Points Scorecard

BBBEE Level	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

3) Localisation

- The target for the local content of RMU shall be set at 30% of the contract amount.
- There is no target for local-to-site because the scope is limited to ex-works.
- Procurement expenditure: The target for procurement expenditure with black owned enterprises, which includes subcontracting of core activities and the supply of both core and non-core services and products, is 20% of local content amount as shown in Figure 2. Tenderers must focus on these preferred groups to be their enterprise development candidates for the supply of goods and services which form part of the RMU core business.

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4) Industrialisation

There is no specific target for industrialisation and the tenderers are requested to submit proposals.

5) Skills Development

Skills development shall have specific targets that address Eskom's core, scarce and critical skills and the SETA's scarce and critical skills. The target is a total of twenty four (**24**) candidates selected from all provinces as shown in Figure 2. The aim is to benefit the **currently unemployed** graduates from school; Technical, Vocational and Education (TVET) campuses; and universities.

The composition of these candidates must be representative of the population demographics of South Africa. Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners. Tenderers shall develop the candidates directly in-house, through their supply network or through the SETA accredited training providers and the composition of the candidates shall be representative of the demographics of South Africa.

The purpose for skills development is to address the country's high unemployment rate by granting unemployed graduates with the necessary workplace experience and certification to be employable within the industry.

Note that the tenderers are responsible for carrying the total cost of developing these candidates, and Eskom shall not make any financial contributions towards the fulfillment of this obligation. In certain cases, the SETAs accredited training providers can be approached to participate in developing critical and scarce skills. The tenderers are advised to approach the relevant SETAs for grants, incentives and subsidies and also the South African Revenue Services for tax rebates which are made available to alleviate the skills development costs.

6) Jobs

The proposals from tenderers regarding number of jobs that will be created shall become contractual obligations. Tenderers shall also confirm the number of jobs retained as a direct result of these contracts. These figures shall be recorded in Figure 2.

7) Supplier Development

Supplier development: The tenderers are required to submit their plans for developing the capability and capacity of their Black Persons with Disability (BPwD); Black Youth Owned (BYO); Black Women Owned (BWO) and Black Owned (BO) subcontractors. These plans shall also contain detailed steps with milestones for the tenderers to improve their BBEE contributor levels and to migrate to at least 51% black ownership.

8) Retention

- a) Eskom shall be permitted to retain 2.5% (two and half percent) of the invoices (excluding VAT) as security for the fulfilment by the tenderers of their SDL&I obligations.

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- b) Once Eskom has verified that tenderers have fulfilled their SDL&I obligations, the 2.5% retained shall be approved for reimbursement by Eskom to suppliers within 90 (ninety) days of verification by Eskom.

9) Reporting

- a. The tenderers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- b. Eskom shall review the quarterly reports submitted by the tenderers within 60 (sixty) days of receipt of the reports and notify the tenderers in writing if their SDL&I obligations have not been met.
- c. Upon notification by Eskom that the tenderers have not met their SDL&I obligations, the tenderers shall be required to implement corrective measures to meet those SD&L obligations before the commencement of the following quarter, failing which retention clauses shall be invoked.

Every contract shall be accompanied by the SDL&I implementation schedule which must be completed by the tenderers and returned to SDL&I representative for acceptance **before** contract award. This will be used as a reference document for monitoring, measuring and reporting on the tenderer's progress in delivering on their stated SDL&I commitments.

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Figure 2: SDL&I Compliance matrix

TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS				
Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	30.00%	30.00%		0.00%
Procurement from BPwD	5.00%	5.00%		0.00%
Procurement from BYO	5.00%	5.00%		0.00%
Procurement from BWO	10.00%	5.00%		0.00%
Procurement from BO	10.00%	5.00%		0.00%
Skills Development	40.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX							
Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Engineer		15.00%	2		0	0	0.00%
Artisan		15.00%	3		0	0	0.00%
Engineering technologist		20.00%	3		0	0	0.00%
Technician		20.00%	3		0	0	0.00%
Storeman		10.00%	3		0	0	0.00%
Supply chain practitioner		10.00%	5		0	0	0.00%
SHEQ practitioner		10.00%	5		0	0	0.00%
Total		100.00%	24	0	0	0	0.00%

To be completed by Tenderer

Number of jobs to be created as a result of this contract	
Number of jobs to be retained as a result of this contract	

Supplier Development and Localisation Representative

Name: _____ Signature: _____ Date: _____
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Total desired minimum threshold for figure is 60%

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