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

**ESKOM HOLDINGS SOC LTD**

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

**FOR**

**LEASING OF ESKOM LAND IN MPUMALANGA TO INDEPENDENT POWER PRODUCERS (IPP'S) TO ADD NEW GENERATION CAPACITY FOR A PERIOD OF 25 (TWENTY-FIVE) TO 30 (THIRTY) YEARS.**

|  |  |
|--|--|
| <b>Tender number/ RFP number</b>   | <b>MWP1496GX</b>   |
| <b>Issue date</b>  | <b>09 December 2022</b>  |
| <b>Closing date and time</b>   | <b>Date: 27 February 2023</b><br><b>Time: 10h00 South African Standard Time</b>  |
| <b>Tender validity period</b>  | <b>52 weeks</b>  |
| <b>Clarification meeting</b>   | <b>Date: 17 January 2023</b><br><b>Time: 10h00 – 12h30pm</b><br><b>Venue: Microsoft Teams</b><br><b>Link: <a href="#">Click here to join the meeting</a></b>                                   |
| <b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b> | <b>Eskom Holdings SOC Limited</b><br><b>Megawatt Park Retail Centre</b><br><b>Megawatt Park Tender Office</b><br><b>1 Maxwell Drive</b><br><b>Sunninghill</b><br><b>Sandton</b><br><b>2157</b> |

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## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a proposal for the **Leasing of Eskom Land in Mpumalanga to Independent Power Producers (IPP’s) to add new Generation Capacity for a period of 25 (Twenty-Five) to 30 (Thirty) 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 proposal by you in response to this *RFP* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)).

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

Yours faithfully



Mr. Selby Shabangu

Procurement Manager

Date: 09 December 2022

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

| <b>Number</b> | <b>Description</b>   | <b>Annexure/to be downloaded and attached</b> | <b>Attached (Y/N/ N/A)</b> |
|---------------|--|---|----------------------------|
| 6.1           | *Acknowledgement form  | Annexure A                                    | Y                          |
| 6.2           | *Tenderer's particulars  | Annexure B                                    | Y                          |
| 6.3           | *Integrity Declaration Form<br>(refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read ) | Annexure C                                    | 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 D                                    | Y                          |

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

| Clause Number from Standard Conditions of Tender  | Tender Data   |
|---|---|
| 1.1 Parties                                       | <p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:<br/> Name: <b>Ms. Bongzi Malahlela</b><br/> Tel: <b>011 800 4457</b><br/> E-mail: <a href="mailto:mahlanbn@eskom.co.za">mahlanbn@eskom.co.za</a></p>   |
| 1.3 Enquiry documents                             | <p>The Invitation to tender /RFP number is: <b>MWP1496GX</b></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:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to tender</li> </ol>  |
| 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 <b>ineligible</b> to submit a <b>proposal</b> if</p> <ul style="list-style-type: none"> <li>• Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>• Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>• [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</li> </ul> |

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|                             |  |
|-----------------------------|--|
|                             | <p>liable for the execution of the Contract in accordance with the Contract terms.</p> <ul style="list-style-type: none"> <li>• 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: <ul style="list-style-type: none"> <li>○ (a) they have a controlling partner/majority shareholder in common; or</li> <li>○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process.</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• 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</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p> |
| 2.2 -2.5 Tender Closing     | <p>The deadline for <b>RFP</b> submission is:</p> <p><b>Date: 27 February 2023</b><br/> <b>Time: 10h00 South African Standard Time</b></p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE - MWP1496GX</b><br/> <b>Eskom Holdings SOC Limited</b><br/> <b>Megawatt Park Retail Centre</b><br/> <b>Megawatt Park Tender Office</b><br/> <b>1 Maxwell Drive</b><br/> <b>Sunninghill</b><br/> <b>Sandton</b><br/> <b>2157</b></p>  |
| 2.9 Copy of original tender | <p>The tenderer must submit the tender as a <b>complete original tender</b>, plus one (1) <b>hard copy of the original tender</b> at tender submission deadline. Eskom may also require that <b>one (1) additional complete soft copy (USB) of the original tender</b> is required in electronic format.</p>   |

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|   | Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.   |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
|---|---|---------------------|--------------------|---------------------|------|----|---|-----------------|-------|----|--------|----|--------|
| 2.13 Tender Validity Period             | The tender validity period is <b>52 weeks</b>   |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
| 2.16 Site/clarification meetings        | <p>A non-compulsory <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>17 January 2023</b><br/> Time: <b>10h00 – 12h00pm</b><br/> Venue: <b>Microsoft Teams</b><br/> MS Teams Meeting Link: <a href="#">Click here to join the meeting</a></p> <p><b>NB:</b> Before joining the meeting, please ensure that your microphone and video are switched off.</p> <p>Non-compulsory <b>site visits</b> with representatives of the <i>Employer</i> will take place on <b>24 January 2023</b> at the following Eskom sites:</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Power Station Name</th> <th>Date for Site Visit</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Ermelo / Amersfoort (Tweefontein Parcels)</td> <td rowspan="3">24 January 2023</td> <td rowspan="3">10h00</td> </tr> <tr> <td>3.</td> <td>Kendal</td> </tr> <tr> <td>4.</td> <td>Kusile</td> </tr> </tbody> </table> <p><b>Note:</b> GPS Coordinates will be provided during and after the clarification meeting.</p> <p><i>Tenderers</i> must confirm their intention to attend the clarification meeting and / or site visits with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p> <p><b>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</b></p> | No.                 | Power Station Name | Date for Site Visit | Time | 1. | Ermelo / Amersfoort (Tweefontein Parcels) | 24 January 2023 | 10h00 | 3. | Kendal | 4. | Kusile |
| No.                                     | Power Station Name  | Date for Site Visit | Time               |                     |      |    |   |                 |       |    |        |    |        |
| 1.                                      | Ermelo / Amersfoort (Tweefontein Parcels)   | 24 January 2023     | 10h00              |                     |      |    |   |                 |       |    |        |    |        |
| 3.                                      | Kendal  |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
| 4.                                      | Kusile  |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
| 2.17 Clarification on enquiry documents | The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5 working days</b> before the deadline for tender submission.  |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
| 2.23 Alternative tenders                | Alternative tenders are <b>not allowed</b> .  |                     |                    |                     |      |    |   |                 |       |    |        |    |        |
| 2.25 Conditions of contract             | The conditions of contract will be the <b>Draft Deed of Lease and Option Agreement</b> .  |                     |                    |                     |      |    |   |                 |       |    |        |    |        |

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|  |   |
|--|---|
| 2.31 Provision of security for performance | If security for performance (e.g., Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.  |
| 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:<br/> Place: <b>THE TENDER OFFICE - MWP1496GX</b><br/> <b>Eskom Holdings SOC Limited</b><br/> <b>Megawatt Park Retail Centre</b><br/> <b>Megawatt Park Tender Office</b><br/> <b>1 Maxwell Drive</b><br/> <b>Sunninghill</b><br/> <b>Sandton</b><br/> <b>2157</b></p> <p>Date: 27 February 2023</p> <p>Time: 10h00 South African Standard Time</p> |
| 3.5 Prices to be read out                  | Prices will <b><i>not be read out.</i></b>  |
| 3.9 Basic Compliance                       | <p>Basic compliance for this RFP are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial and technical tender returnables as at stipulated deadlines.</li> </ul>                                 |
| 3.10 Mandatory tender returnables          | A tenderer that does not submit mandatory documents/information in 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.  |
| 3.11 Pre-qualification criteria            | Pre-qualification criteria is <b><i>not applicable.</i></b>   |
| 3.12 Designated materials and thresholds   | Designated material thresholds are <b><i>not applicable.</i></b>  |
| 3.13 Functionality requirements            | <p>Technical Evaluation requirements <b><i>are applicable.</i></b></p> <p>The following criteria will be applicable for this transaction under technical evaluation criteria:</p>   |

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|  | <b>Technical Evaluation Criteria</b>  | <b>Weight</b> |
|--|---|---------------|
|  | Total Weight  | 100%          |
|  | Minimum Threshold   | 75%           |
|  | Tenderers who do not meet the minimum threshold for functionality scoring will be disqualified and not be evaluated further   |               |
| 3.15 Evaluation of price                 | Prices will be evaluated as follows: <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• Making the specified correction for arithmetical errors</li> <li>• Excluding contingencies in any bill of quantities or activity schedule.</li> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>• Unconditional discounts must be taken into account for evaluation purposes;</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ul> Prices will be scored out of 20 points |               |
| 3.18 Ranking of tenders                  | The ranking of tenders will be based on the highest overall score achieved for technical and pricing.   |               |
| 3.19 Objective Criteria (if applicable)  | Objective criteria <b>are not applicable.</b>   |               |
| 3.20 Reverse e-auction (if applicable)   | Reverse e-auction <b>is not applicable.</b>   |               |
| Contractual Requirements (if applicable) | Contractual Requirements may include the following: <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> <li>• Financial statements; and/or</li> <li>• Any other as stipulated _____</li> </ul> <b>Please Note:</b><br><b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</b>  |               |

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|   |  |
|---|--|
|   | <b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.<br/>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.</b> |
| CIDB Requirements (where applicable for Engineering and Construction Works Contracts) | CIDB Requirements <b><i>are not applicable.</i></b>  |

**Please note:**

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

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

**A report containing a list of potential sub-contractors may be drawn by accessing the following link: [www.csd.gov.za](http://www.csd.gov.za)**

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

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

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### 1.3 TENDER RETURNABLES

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

| Reference  | Returnables from supplier   | Returnables mandatory for evaluation purposes and due at tender closing | Returnables mandatory for contract award and due prior to contract award |
|--|---|---|--|
| <b>Basic Compliance</b>  | A complete original tender, plus 1 (one) hard copy of the original tender at tender submission deadline. Eskom may also require that 1 (one) additional complete soft copy of the original tender is required in electronic format (USB).   | ✓   |  |
| <b>Annexure A</b>  | Acknowledgement Form  | ✓   |  |
| <b>Annexure B</b>  | Tenderers Particulars   | ✓   |  |
| <b>Annexure C</b>  | Integrity Pact Declaration form   | ✓   |  |
| <b>Annexure D</b> (applicable for all suppliers including Foreign suppliers) | SBD 1- to be submitted with the tender at tender submission deadline  | ✓   |  |
| <b>Additional Documents required in event of JV: -</b>                       | 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)  |   | ✓  |
|  | “proof of B-BBEE status level of contributor” means: -<br>(a) the B-BBEE status level certificate issued by an authorised body or person; or<br>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or<br>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;<br>(as may be applicable for the particular tendering entity ) |   | ✓  |

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|  |   |  |   |
|--|---|--|---|
|  | <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>   |  | ✓ |
| <p><b>*“proof of B-BBEE status level of contributor” means: -</b><br/> <b>(a) the B-BBEE status level certificate issued by an authorised body or person; or</b><br/> <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b><br/> <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.</b></p> | <p>Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p>  |  | ✓ |
| <p><b>Tax Clearance Certificates</b></p>   | <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).<br/> Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p> |  | ✓ |
| <p><b>Compliance with Employment Equity Act</b></p>  | <p>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)</p>  |  | ✓ |

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|  |   |   |   |
|--|---|---|---|
| <b>Shareholding</b>                              | 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). | ✓ |   |
| <b>Draft Deed of Lease and Option Agreement.</b> | Tenderers are required to review the Draft Deed of Lease and Option Agreement and provide comments / notes where applicable.  | ✓ |   |
| <b>Supplier Declaration of Interest</b>          | Completed Supplier Declaration of Interest. This form is available in the Commercial Folder.  |   | ✓ |
| <b>Non-Disclosure Agreement (NDA)</b>            | Completed Non-Disclosure Agreement. This form is available in the Commercial Folder.  |   | ✓ |

#### DOCUMENTS REQUIRED UNDER TECHNICAL CRITERIA

| Mandatory Evaluation Criteria  | Yes / No |
|--|----------|
| <ul style="list-style-type: none"> <li>Provide a signed letter confirming that the tenderer is currently active in the market as an IPP. The letter to provide a list of projects with sizes (MWs) completed and in operation, and/or projects with sizes currently being developed/executed, and/or projects with sizes (MWs) awarded in the last 5 years.</li> </ul> |          |
| <ul style="list-style-type: none"> <li>Provide a signed letter committing to at least 25-30 years lease agreement, subject to due diligence performed.</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>Provide a signed letter from the funder/bank confirming the intent to fund the project, subject to the necessary due diligence.</li> </ul>  |          |

**NB: A bidder must meet all 3 (three) above requirements to continue in the process and be evaluated for Qualitative Criteria**

#### Qualitative Technical Evaluation Criteria (Minimum Threshold 75%)

| Description   | Weight | Score | Weighted Score  |
|---|--------|-------|-----------------|
| Highest size (MW) of RE Technology(ies), based on the useable land parcel.  | 35%    |       | =weight x score |
| Time to connect to the grid, based after lease agreement.   | 35%    |       | =weight x score |
| Provide a signed letter indicating that the proposed generation facility to be installed on the land parcel is guaranteed to be operational for 20yrs and more. | 30%    |       | =weight x score |

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**NB:**

1. Tenderers who do not meet the 75% minimum threshold for Qualitative Technical Evaluation Criteria will be disqualified and not evaluated further.
2. All Mandatory Commercial and Technical tender returnables must be completed, signed and submitted as at stipulated deadline.
3. As part of the tender process, all participants will be afforded an opportunity to site visit the pieces of land they are interested in. The site visit dates have been provided above under 2.16 Site/clarification meetings.
4. **Interested Tenderers must visit Eskom's Tender Bulletin or National Treasury e-portals regularly for any additional information / communication related to this tender MWP1496GX.**

**PRICING EVALUATION**

| Description   | Weight | Score | Weighted Score  |
|---|--------|-------|-----------------|
| Highest bid price for leasing of Land where reserve price = valuation price | 100%   |       | =weight x score |

**The bid will be awarded to bidder(s) with the highest overall score which is made up of technical score (x80%) + bid price (x20%) = highest overall score.**

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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

1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
- ---

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cataloguing Acknowledgement:**

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

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: \_\_\_\_\_

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

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

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

Contact details of contact person:

Tel (landline) \_\_\_\_\_

Cell phone \_\_\_\_\_

e-mail address \_\_\_\_\_

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

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

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

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the 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.

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4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom’s Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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 | <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. Black people
  - b. Black people who are youth
  - c. Black people who are women
  - d. Black people with disabilities
  - e. Black people living in rural or underdeveloped areas or townships
  - f. Cooperatives which are 51% owned by Black people
  - g. Black people who are military veterans

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

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

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <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"/> |
|-----|--------------------------|----|--------------------------|

**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.

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| <b>Legal Name of Joint Venture Member</b> | <b>Full Name and Capacity of Authorised Signatory</b> | <b>Signature</b> |
|---|---|------------------|
|   |   |                  |
|   |   |                  |
|   |   |                  |
|   |   |                  |
|   |   |                  |

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

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

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

| Item  | Question  | Yes/No | No |
|-------|---|--------|----|
| 1.1   | <p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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 (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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.  |        |    |

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|     |  |  |  |
|-----|--|--|--|
| 1.4 | Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution |  |  |
| 1.5 | Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?                            |  |  |

I, 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.

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

**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.

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

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(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**

**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:  |  | <b>OR</b>                           | CSD No: |   |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT |         | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY?   |   |  |                                     |         |   |
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | <input type="checkbox"/>                                    | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)           |                                     |         |   |
|  | <input type="checkbox"/>                                    | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) |                                     |         |   |
|  | <input type="checkbox"/>                                    | A REGISTERED AUDITOR   |                                     |         |   |
|  |   | NAME:  |                                     |         |   |

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

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

## PART B TERMS AND CONDITIONS FOR BIDDING

|  |
|--|
| <b>1. BID SUBMISSION:</b>  |
| 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.   |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>  |
| 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   |

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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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