	Invitation to Tender	Document Identifier	240-114238630	Rev	15
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER


FOR

THE PROVISION OF VEGETATION MANAGEMENT SERVICE (GRASS CUTTING, REEDS CUTTING, BUSH CLEARING AND TREE FELLING AND HERBICIDE APPLICATION) IN TRANSMISSION NORTHERN GRID POWERLINES AND HV PLANT SUBSTATIONS FOR A PERIOD OF FIVE (05) YEARS ON AN “AS AND WHEN REQUIRED” BASIS.

Tender number	LP00114AB
Issue date	31 May 2023
Closing date and time	29 June 2023 at 10h00 AM South African Standard Time
Tender validity period	Twelve (12) weeks from the closing date and time
Clarification meeting	<p>Non - Compulsory Clarification will be held as follows: 08 June 2023 from 10h45 – 12H45pm SAST.</p> <p>This will be held via Ms Teams via the following link:</p> <p>Join on your computer, mobile app or room device <u>Click here to join the meeting</u></p> <p>Note: Contractors to do a regular check on Eskom tender bulletin for any tender addendums, as all clarification pertaining to this tender will be uploaded on that platform. It is the responsibility of the Tenderer to check the tender bulletin for updates and to ensure their response to the tender provides for information communicated also through the tender bulletin.</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>Eskom Holding SOC Ltd The Tender Office Millennium Building 90 Hans Van Rensburg Street Polokwane Limpopo</p> <p>Eskom will not take any responsibility for any late submissions as a result of non-compliance to the tender delivery requirements</p>

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender provision for the provision of Vegetation Management Service (Grass cutting, Reeds cutting, Bush clearing and Tree felling and herbicide application) in Transmission Northern Grid Powerlines and HV Plant Substations for a period of five (05) years on an as and when required basis. The enquiry documents are supplied to you 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).

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

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

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

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

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

Yours faithfully

BT Mtungwa

Name: **Busi Mtungwa**

Designation: **Procurement Manager (Tactical Sourcing)**

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 - 2.1 Basic Compliance
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4. Scope of work/Works Information/Employers Requirements
5. PRICING DATA

Price schedule rates included in the NEC3 Term Services Contract

- It is a mandatory requirement that Tenderers accept the standard contract rates to be able to participate further in tender evaluation process.
- **Non-acceptance of the standard rates will lead to disqualification.**

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

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

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1.1.12	Reverse e-auction process (if applicable)		N
1.1.13	Contract Skills Development Goals (CSDG) [if applicable]	<i>To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)</i>	N
1.1.14	Contract Participation Goals (CPG) [if applicable]	<i>To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)</i>	N

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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. The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Asnath Baloyi Tel: 015 299 0242 E-mail: BaloyiAT@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: LP00114AB</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 is: An open Invitation to tender</p> <p>All relevant documentation for this Tender Enquiry will be published on:</p> <ol style="list-style-type: none"> 1. Eskom's Tender Bulletin 2. National Treasury e-Tender Portal <p>Note: It is the responsibility of the Tendering Company to ensure that all the requested documentation is downloaded, completed in full and submitted upon tender closing date.</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the <i>service</i>.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ol style="list-style-type: none"> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated,

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	<p>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.</p> <ol style="list-style-type: none"> 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium 3. [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if: <ol style="list-style-type: none"> 1. (a) they have a controlling partner/majority shareholder in common; or 2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is: Date :29 June 2023 Time :10h00 SAST</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE ESKOM HOLDING SOC LTD MILLENNIUM BUILDING 90 HANS VAN RENSBURG STREET POLOKWANE LIMPOPO</p>
2.9 Copy of original tender	The tenderer must submit the tender as follows:

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	<ul style="list-style-type: none"> • 1 x complete original tender (in hard copy format), marked "ORIGINAL", plus • 1 x complete identical copy of the original tender (in hard copy format), marked "COPY" plus • 1 x complete identical copy of the original tender in electronic format (Memory stick/flash disk) at tender submission deadline • Failure on the part of the supplier to submit in electronic format for purposes of evaluation by the tender closing will not result in disqualification. <p>N.B: Where a Tenderer does not submit one (1) hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	<p>The tender validity period is twelve (12) weeks</p> <p>NB: While a twelve (12) week tender validity period has been provided from the tender closing date, the evaluation and adjudication process may take up to nine (9) months.</p> <p>Should the evaluation extend beyond the twelve (12) weeks, Tenderers will be requested to extend their validity beyond the twelve (12) weeks.</p>
2.16 Site/clarification meetings	<p>A non- compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follow:</p> <p>online via MS Teams Date :08 June May 2023 Time: 08 June 2023 from 10h45 – 12H45pm SAST</p> <p>Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 336 516 060 233 Passcode: ffictc Download Teams Join on the web</p> <p>Note: Contractors to do a regular check on Eskom tender bulletin for any tender addendums, as all clarifications pertaining to this tender will be uploaded on that platform</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission.</p>
2.23 Alternative tenders	<p>Alternative tenders are <i>not allowed</i></p>

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2.31 Provision of security for performance	Not Applicable
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline
3.5 Prices to be read out	Prices <i>will not be read out</i>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA.....) 6. Financial Statements validity analysis
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents section by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.

The following are mandatory requirements for commercial

Acceptance of Standard Rates by the Tenderer

- It is a mandatory requirement that Tenderers accept the standard contract rates to be able to participate further in tender evaluation process.
- **Non-acceptance of the standard rates will lead to disqualification.**

The following technical mandatory requirements are applicable

Criteria	Returnable
PCO Certificate in the fields of Agriculture and Forestry / Weed Control or Industrial	Valid Certified Certificate

Failure by the tenderer to submit the PCO certificate will lead to disqualification.

3.13 Functionality requirements	<p>Functionality requirements <i>are applicable</i></p> <p>The services rendered on this contract shall be executed in accordance with the requirements specified in the following documents:</p> <ol style="list-style-type: none"> 1. 240-70172585 - Vegetation Management and Maintenance within Eskom Land, Servitudes and Rights of Way 2. 240-89383921 - Maintenance Strategy for Vegetation 3. 240-5246567 - Contractor Specification for Vegetation Management Services on Eskom Networks
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The following criteria will be applicable for this transaction under functionality criteria:

Item No.		Resource Type	Component description	Weight	Actual	Comments
1	1.1	Manpower/Key personnel and qualifications	Detailed organogram of proposed vegetation teams to be used for this project. 1 X Project Manager/Owner/Director (1), 1 X Site supervisor (1), 4 X Brush cutter operators (4), 1 X PCO Licenced worker (1), 2 X Chainsaw operators (2), 1 X Registered Safety Officer as per OHS Act (1) must be clearly indicated	10		If the Organogram Is not submitted, the tenderer will score zero. If the Organogram is incomplete, the tenderer will score points according to the appointment indicated on the Organogram. Sliding Scale
	1.2	Accreditation - SETA Accredited training	Certified copies of PCO licence and Applicator training: • The holder of the PCO Certificate must be an employee or owner of the company (5) • Appointment Letter (5)	10		Note: Submit the company organogram. The certificates submitted for this item needs to be for the same resources as reflected in the Company Organogram. PCO Certificate for Weed control must be supported by an appointment letter signed by both the PCO holder and the tenderer. Only certified copies will be accepted. The certified copy of the original certificate should not be older than 3 months Zero or full marks
	1.3	Manpower/Key personnel and qualifications	Minimum one (1) Supervisor with the following certificates; • ORHVS (HVO 02) (5) HIRA certificate (5) • Species Identification Training certificate (5) • Supervisory Course Training certificate (5)	20		The tenderers are required to submit the four certificates listed to score full points. If one certificate is submitted then the tenderer will score 0. Note: The certificates submitted for this item needs to be for the same resources as reflected in the Company Organogram Only certified copies will be accepted. The certified copy of the original certificate should not be older than 3 months Zero or full marks

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2	2.1	Accreditation - SETA Accredited training	Minimum Two (2) Chainsaw Operators therefore certificates must be for each operator. SETA Accredited training only.	10		<p>The tenders are required to submit all the certificates listed to score full points. 5 point per certificate. Note: The certificates submitted for this item needs to be for the same resources as reflected in the Company Organogram Only certified copies will be accepted. The certified copy of the original certificate should not be older than 3 months</p> <p>Zero or full marks</p>
	2.2	Accreditation - SETA Accredited training	Minimum Herbicide Application Training Certificate (X1)	5		<p>Only certified copies will be accepted. The certified copy of the original certificate should not be older than 3 months</p> <p>Zero or full marks</p>
	2.3	Accreditation - SETA Accredited training	Minimum 4 Brush Cutter Operators therefore certificates must be for each operator. SETA Accredited training only.	20		<p>The tenders are required to submit all the certificates listed to score full points. 5 point per certificate. Note: The certificates submitted for this item needs to be for the same resources as reflected in the Company Organogram Only certified copies will be accepted. The certified copy of the original certificate should not be older than 3 months</p> <p>Zero or full marks</p>
3	3.1	Company relevant experience Bush clearing and Tree Cutting	Minimum 6 months related experience in Bush clearing and Tree Cutting as well as Herbicide application. A reference letter from previous work completed, this letter should specify the Type of service rendered (2), Duration (2) and reference client Name (1) and Contact (1) details.	3		<p>Companies with <6 months experience will score 0</p> <p>Zero or full marks</p>
	3.3	Company relevant experience High Risk Tree felling/cutting	Minimum 6 months related experience in High-Risk Tree felling/cutting as well as Herbicide application. A reference letter from previous work completed, this letter should specify the Type of service rendered (2), Duration (2) and reference client Name (1) and Contact (1) details.	1		<p>Companies with <6 months experience will score 0</p> <p>Zero or full marks</p>
	3.3	Company relevant experience Grass/Reed cutting	Minimum 6 months related experience in Grass Cutting. A reference letter from previous work completed, this letter should specify the Type of service rendered (2), Duration (2) and reference client Name (1) and Contact (1) details.	3		<p>Companies with <6 months experience will score 0</p> <p>Zero or full marks</p>

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	3.3	Company relevant experience Substation weeding and Herbicide Application.	Minimum 6 months related experience in Substation Weeding and Herbicide Application. A reference letter from previous work completed, this letter should specify the Type of service rendered (2), Duration (2) and reference client Name (1) and Contact (1) details.	3		Companies with <6 months experience will score 0 Zero or full marks
4	4.1	Vehicles	<p>Vehicle to be considered are as follows:</p> <p>Minimum one (1): Seven-Ten-seater vehicle with tow-bar to transport personnel with an Equipment Trailer</p> <p>Or</p> <p>Two (2) X double cab bakkie with tow-bar.</p> <p>Or</p> <p>Five (5) X single cab bakkies with tow-bar.</p>	15		<p>Licensed vehicles with Ownership and Registration documentation to be in the name of the tendering company or name of Company owner.</p> <p>If leased, a lease agreement to be submitted (only lease agreement from registered Vehicle rental companies)</p> <p>The tenders are required to submit the required proof, if not submitted then the tenderer will score 0.</p> <p>zero or full marks</p>
		TOTAL		100	0	
		Minimum Threshold to be achieved by Tenderers		90%		

Threshold of 90% as a minimum score will be accepted for tenders.

Tenders who do not meet the minimum threshold of 90% for functionality scoring will be disqualified and not evaluated further.

3.15 Evaluation of price	<p>Prices will be evaluated Inclusive of VAT for the purpose of applying the preference Point System (80/20).</p> <p>All tenderers will be allocated a score of 80 points on price as the rates for the contract are standard.</p>										
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 or 20 points in accordance with The following specific goals scorecard:</p> <table border="1"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr> </thead> <tbody> <tr> <td>1</td><td>20</td></tr> <tr> <td>2</td><td>18</td></tr> <tr> <td>3</td><td>14</td></tr> <tr> <td>4</td><td>12</td></tr> </tbody> </table>	B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12
B-BBEE Status Level of Contributor	Number of points (80/20 system)										
1	20										
2	18										
3	14										
4	12										

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5	8
6	6
7	4
8	2
Non-Compliant	0

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

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

A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but-

- a) may only score points out of 80 for price
- b) scores 0 points out of 20 for specific goals.

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

NOTE: Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by Tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.

3.18 Ranking of tenders

PPPFA Price and Preference Points


Suppliers will be ranked based on their scores as per PPPFA scoring:

- as standard rates are applicable, and it is a mandatory requirement for contractors to accept these rates all contractors that qualify will be awarded 80 points.
- contractors will then receive the points for B-BBEE will be awarded out of 20 points.

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

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Should there be 2 or more suppliers with equal score, the following criteria for breaking the deadlock in scoring will be applied:

- If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.
- If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

The process of drawing lots will be as follows:

- a) The CFT to gather in a venue where the lot will be drawn, and attendance register must be signed.
- b) The relevant procurement practitioner will write the names of the tenderers on pieces of paper of the same size, shape and colour.
- c) The Procurement Manager will verify that the process was followed in accordance with the aforesaid requirements.
- d) An independent person (from the procurement transaction and from P&SCM and End-user departments) will draw the lot/s. The independent person will read out the name/s of the successful tenderer/s. Where available, it is recommended that the auditor, who audits the process, draws the lots.
- e) This process must be recorded by the Procurement Practitioner and the minutes must be accepted in writing by the CFT and acceptance of the minutes must be sent to the Procurement Practitioner for record keeping.

No of suppliers required for the Vegetation Management tender

A total of thirty (30) Suppliers will be appointed after the evaluation process and Eskom will enter into contracts with the suppliers to render vegetation management services for the Northern Grid for a period of five (5) years on an as and when required basis. The thirty (30) Suppliers will be split up as follows:

- Limpopo Section - 20 suppliers
- North-West Section - 10 suppliers

NB: Tenderers are required to indicate with their tender submission the Section of the Grid they are tendering for, namely: Limpopo Section or North-West Section.

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	<p>A tenderer that has tendered for both Sections and is successful in both, can only be awarded a tender for one region. No tenderer will be awarded contracts for both Sections. Tenderers who tender for both Sections must indicate their preferred section in the event that they are successful in both sections.</p> <p><u>Allocation of work in the section</u></p> <p>Suppliers appointed out of this tender process will be required to be available for work on any of the sites in the sections for the duration of the contract. Work will be allocated to suppliers on a rotational basis with no specific preference for site.</p> <p>Should any of the suppliers appointed to the panel face performance challenges or liquidation, consideration will be given to the next in line and available supplier/s to be appointed to the panel out of the tender evaluation and ranking process.</p>
3.19 Objective Criteria (if applicable)	Objective criteria <i>are not applicable</i>
3.20 Reverse e-auction (if applicable)	Reverse e-auction <i>is not applicable</i>
Contractual Requirements	<p>Contractual Requirements include the following:</p> <p>Safety Requirements 240-77471651 - Annexure C 1: OHS Tender Evaluation Template (High risk) Annexure B-Acknowledgement Form for Eskom SHE Rules and Other Requirements</p> <p>Environmental Requirements 240-108987034 - Environmental Tender Evaluation and Scoring Card (High, Medium and Low risk work) 240-77471499 - Annexure B: Acknowledgement Form for Eskom OHS legal and other requirements</p> <p>Quality Requirements 240-12248652 Category4- List of Tender Returnables Documents Rev 5 240-68099512 Form A Rev 9 240-105658000 Supplier Quality Management Specification 240-126469599 Method Statement Template</p> <p>N.B.: It must be noted that Safety, Health and Environmental requirements will be evaluated in terms of the SHE requirements and procedure. During the evaluation process, Tenderers will be given one opportunity to submit outstanding SHE requirements within seven (7) days . The shortfalls will</p>

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	<p>be addressed during the negotiations and any outstanding will be addressed as contractual requirements.</p> <p>1. Financial statements: Audited Financial Statements and Public Interest Score</p> <p>The Tenderer’s financials will be evaluated but will not serve the purpose of supplier disqualification but an assessment of the risk associated with the supplier’s finances and ability to carry out the service in the contract.</p> <p>2. SDL&I requirements Tenderers will be required to propose skills in the following areas:</p> <table><tr><th>Category</th><th>Eskom’s target</th><th>Supplier ‘s proposal</th></tr><tr><td>Environmental officer</td><td></td><td></td></tr><tr><td>Safety officer</td><td></td><td></td></tr></table> <p>Jobs: Tenderers are required to submit proposals for the type and number of jobs that will be created and retained as a direct result of being awarded a contract</p> <table><tr><th>Type of Jobs to be created</th><th>Number of Jobs to be created</th></tr><tr><td></td><td></td></tr></table> <table><tr><th>Number of Jobs to be created</th><th>Number of Jobs to be retained</th></tr><tr><td></td><td></td></tr></table> <p>B-BBEE: Tenderers will be required to maintain or improve their B-BBEE status for the duration of the project.</p>	Category	Eskom’s target	Supplier ‘s proposal	Environmental officer			Safety officer			Type of Jobs to be created	Number of Jobs to be created			Number of Jobs to be created	Number of Jobs to be retained		
Category	Eskom’s target	Supplier ‘s proposal																
Environmental officer																		
Safety officer																		
Type of Jobs to be created	Number of Jobs to be created																	
Number of Jobs to be created	Number of Jobs to be retained																	
2.25Contractual Condition	<p>The conditions of contract will be the [NEC3] Term Services Contract</p> <p>Main Option A: Priced contract with price list W1: Dispute resolution procedure</p> <p>Secondary Option</p>																	

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	X1: Price adjustment for inflation X2: Changes in the law X17: Low service damages X19: Task Order X20: Key performance indicators Z: Additional conditions of contract Z10.1 The <i>Employer</i> may terminate for a reason not stated in this contract by notifying the <i>Consultant</i> . If the <i>Employer</i> terminates for a reason not stated in this contract, the <i>Consultant</i> is not entitled to any payment after termination other than for fees actually incurred prior to termination.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <i>are not applicable</i>

Safety, Environmental and Security requirements Post contract award

The following documents specify the SHE requirements that need to be met by Tenderers post award of the contracts for vegetation management.

- 240-151560800 - CONTRACTOR ENVIRONMENTAL PRE-WORK ASSESSMENT
- 240-75248969 - CONSTRUCTION REGULATIONS AUDIT (SAFETY - checklist/Guide of the OHS file requirements that the contractor is required to compile and submit within the agreed period for evaluation and approval before any work can commence).
- 240-180000215 - CONSTRUCTION/NON-CONSTRUCTION REGULATIONS SECURITY CHECK SHEET

IMPORTANT NOTICE TO TENDERERS

Post contractual requirements are applicable and should be met before commencement of work. The requirements relating to OHS, Environment, Quality and Security will be issued with the tender and explained at the clarification meeting to ensure that potential service providers are aware of such requirements upon contract award.

Tenderers will be given **two (2) weeks** to submit post award contractual requirements files for Safety, Environmental, Security, and Quality (where applicable). Should a Supplier change or replace employee/s at any given point during the contract period, the newly appointed employees must have the same or above qualifications/ competences as the previously approved employees as well as the security clearance.

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

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

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

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

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

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1.3 TENDER RETURNABLES

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

NOTE:

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

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

These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner; however the tenderer will not be disqualified but score zero.

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	One (1) hard copy of the tender One (1) original tender plus one (1) hard copy of the tender	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services (if applicable)		✓	

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Annexure E	CPA(IG) for imported goods/services (if applicable)	N/A			
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E [only applicable where designated materials are included]	N/A			
Annexure G (applicable for all suppliers including foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓		
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓		
Annexure I	SBD 4 – Bidders Disclosure		✓		
Reverse e-auction training acknowledgement form (if applicable)		N/A			
Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓		
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓		
	# Proof of compliance to the stipulated Specific goals.	✓			
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.				✓
# Specific Goals	Failure on the part of the supplier to submit “ proof of specific goals ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.	✓			
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓		

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Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]	N/A			
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)				✓
CIDB (where applicable)	Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	N/A			
NEC/FIDIC Documentation	Completed NEC/FIDIC pricing schedule and contract data.	✓			
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)					
DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)					
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓		
Quality	Documents that may be required per scope of work		✓		
Other safety/quality documents as required per scope of works			✓		
Environmental	Documents that may be required as per scope of work		✓		
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓		

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DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA				
Technical (required functionality scoring)	for	1 [xxxx]	✓	

IMPORTANT NOTICE ON THE VALIDITY OF SWORN AFFIDAVITS

The following must be considered when it comes to validity of Affidavits;

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director**, **owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option)**.
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left)**.
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option)**.
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year)**.
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

Very Important Note:

A sworn affidavit that does not comply with the above requirements will not be considered in the evaluation of preference Points and the tenderer will be scored zero on specific goals.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

Invitation to Tender/Request for Proposal No: _____

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Name of company/JV: _____

Country of registration: _____


Name of contact person: _____

Contact details of contact person:

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

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

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Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

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

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

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


8.1 Confirm if you intend sub-contracting

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

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

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8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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

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

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

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

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

1. Single tenderers

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

Signature: _____

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Designation: _____

Date: _____

2. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

Note: This returnable is required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable is not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified.

DECLARATION OF INTEREST

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

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

1.a juristic person is “related” to another juristic person if:-

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1));
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:


Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	


Joint Ventures

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

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

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

b. Additional/Alternative offer:

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

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

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PREFERRED INDEX LIST

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

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

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

3. NUMBER OF FORMULAE & INDICES

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

4. CPA FIXED PORTION

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

5. BASE DATE

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

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The Cash Settlement or Cash Sellers Price

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

3. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed

Date

Name

Position


Tenderer

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

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

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allowance is paid	Lead SEIFSA ,F, lead	SEIFSA, G, building and construction material		<p>5. Or Intermediate Manufactured Goods OR</p> <p>6. SEIFSA Table U Producer Price Index (PPI</p> <p>- final manufactured GOODS OR Intermediate Manufactured Goods</p>
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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	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			

Closing date of tender _____/_____/_____

TENDERER'S 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:	LP00114AB	CLOSING DATE:	29 JUNE 2023	CLOSING TIME:	10H00 SAST
DESCRIPTION	The Provision of Vegetation Management Services				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:
1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
TAX COMPLIANCE REQUIREMENTS
1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE

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PROOF OF TCS / PIN / CSD NUMBER.

6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS


1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
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 2022

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

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

1. GENERAL CONDITIONS

1. The following preference point systems are applicable to invitations to tender:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1. To be completed by the organ of state

(delete whichever is not applicable for this tender).

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


1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 1. Price; and
 2. Specific Goals.

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

3. DEFINITIONS

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

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

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

DECLARATION WITH REGARD TO COMPANY/FIRM

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

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

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

<p>SIGNATURE(S) OF TENDERER(S)</p> <p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p>
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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO


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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

1. If so, furnish particulars:

.....
.....

3. DECLARATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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