

 <b>Eskom</b>	<b>Request for Proposal for DFR &amp;TWS FL Schemes</b>	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

## ESKOM HOLDINGS SOC LTD REQUEST FOR PROPOSAL

### FOR

**MANUFACTURING, TESTING, TRAINING, SUPPLY, DELIVERY, OFFLOADING & INSTALLATION / SITE ERECTION OF ESTIMATED QUANTITIES OF DIGITAL FAULT RECORDER (DFR) AND TRAVELLING WAVE SYSTEM (TWS) FAULT LOCATOR SCHEMES FOR ESKOM TRANSMISSION SUBSTATIONS ON AN AS AND WHEN REQUIRED BASIS FOR A FIVE (5) YEAR PERIOD.**

<b>Request for Proposal number</b>	MWP2356TX
<b>Issue date</b>	05 December 2023
<b>Closing date and time</b>	12 February 2024 at 10h00
<b>Tender validity period</b>	38 weeks from the closing date and time
<b>Clarification meeting</b>	<p>There will be a non-compulsory tender clarification meeting via MS Teams as follows:</p> <p>18 January 2024</p> <p>Time: 14h30 to 16h30 (SAST)</p> <p>Venue: Virtually via MS Teams</p> <p><b>Join on your computer, mobile app or room device</b>  <a href="#">Click here to join the meeting</a></p> <p>Meeting ID: 384 134 986 770</p> <p>Passcode: aD97EM</p> <p><a href="#">Download Teams</a>   <a href="#">Join on the web</a></p> <p>Tender acknowledgement form to be submitted to <a href="mailto:gidimu@eskom.co.za">gidimu@eskom.co.za</a> containing email address/s to be able to participate in the clarification meeting.</p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p>TENDER ADVICE CENTER (Eskom Retail Park)</p> <p>Eskom Holdings SOC Limited</p> <p>Megawatt Park</p> <p>Maxwell Drive, Extension 3</p> <p>Sunninghill, Johannesburg</p> <p>South Africa, 2157</p>

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## Request for Proposal

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a proposal for **Manufacturing, Testing, Training, Supply, Delivery, Offloading & Installation / Site Erection of Estimated Quantities of Digital Fault Recorder (DFR) and Travelling Wave System (TWS) Fault Locator Schemes for Eskom Transmission Substations.**

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](http://www.eskom.co.za)).

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

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the Eskom Representative named in the Request for Proposal (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 the 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.

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

1. 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](http://www.eskom.co.za)).

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

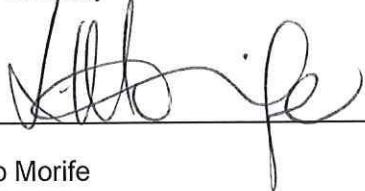
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Yours faithfully



Lerato Morife

Middle Manager, Procurement

Date: 5/12/2023

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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>
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 <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
1.1.4	CPA Requirements for Local Goods/Services	Annexure D	Y
1.1.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
1.1.6	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.8	SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.9	Eskom's Standard Conditions of tender	Attached	Y
1.1.10	Supplier Development Localisation & Industrialisation (SDL&I) Undertaking and NIPP	Annexure J	Y
1.1.11	Vendors Non-Disclosure Agreement (NDA)	Attached	Y
1.1.12	Shipping Evaluation Form	Attached	Y
1.1.13	Price Schedule (PS5)	Attached	Y
1.1.14	Eskom list of acceptable Guarantors - October 2022	Attached	Y
1.1.15	Tender returnable documents	Attached	Y

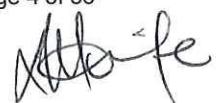
1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Request for Proposal**; then the tenderers are required to download 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.

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
1.1 Parties	The Employer is <b>Eskom Holdings SOC Ltd</b>  The Eskom Representative is:  Name: <b>Musiwa Gidi</b> Tel: <b>011 800 4018</b> E-mail: <b><a href="mailto:gidimu@eskom.co.za">gidimu@eskom.co.za</a></b>
1.3 Enquiry documents	The Request for Proposal number is: <b>MWP2356TX</b> .  See the content list above for the enquiry documents.
1.4 Type of Request for Proposal	This RFP is:  1. An <b>open</b> Request for proposal.
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the scope of work.  Whole refers to the entire scope of work/items issued.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.  Tenderers are deemed <b>ineligible</b> to submit a proposal if 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 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 process, if :

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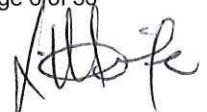
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	<p>1. (a)they have a controlling partner/majority shareholder in common; or</p> <p>2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non- authorized persons</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p><b>Ineligible tenderers will be disqualified.</b></p> <p><b>FLAGGING OF SUPPLIERS:</b></p> <p>Flagging of a supplier is a process where a "flag" is placed on a supplier in respect of the following:</p> <p>a) Those suppliers implicated in serious misconduct by the Zondo Report or the SIU pending the finalisation of supplier disciplinary measures against these suppliers; and</p> <p>b) Other suppliers implicated in serious misconduct and a breach of the Eskom Supplier Integrity Pact by a forensic report or other source of credible information, such as the SAPS, the NPA, the SIU or other related source.</p> <p>The implications of this "flag" are as follows:</p> <p>No new contracts or extension of existing contracts may be awarded to the supplier pending finalisation of supplier disciplinary processes against the supplier. Where such, the supplier's bid should be removed from any tender evaluation at the "eligibility" or "compliance" assessment stage of the evaluation.</p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:</p> <p><b>Date 12 February 2024</b></p> <p><b>Time 10h00 South African Standard Time (SAST)</b></p> <p><b>Late Tenders will not be accepted.</b></p> <p>Tenders are to be submitted to the Eskom tender box at the following physical address:</p>

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	<p><b>THE TENDER OFFICE</b></p> <p>TENDER ADVICE CENTER (Eskom Retail Park)  Eskom Holdings SOC Limited  Megawatt Park  Maxwell Drive, Extension 3  Sunninghill, Johannesburg  South Africa, 2157</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p><b>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</b></p>
2.13 Tender Validity Period	<p>The tender validity period is <b>38 weeks</b>.</p> <p><b>Tenderers should hold tenders valid for acceptance by Eskom at any time within the validity period after the deadline for tender submission. Eskom may extend the validity period for a specified additional period. Should extension of validity be required by Eskom, tenderers agreeing to the request will not be required or permitted to modify a tender. If a tenderer modifies a tender, such a tender will be disqualified from the evaluation process.</b></p>
2.16 Clarification meetings	<p><b>A clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p><b>Date: 18 January 2024</b>  <b>Time: 14h30 South African Standard Time (SAST)</b>  <b>Venue: Virtually via MS Teams</b>  <b>Join on your computer, mobile app or room device</b>  <a href="#"><u>Click here to join the meeting</u></a>  Meeting ID: 384 134 986 770  Passcode: aD97EM  <a href="#"><u>Download Teams</u></a>   <a href="#"><u>Join on the web</u></a></p> <p>Tenderers are required to confirm their intention to attend the clarification meeting via MS Teams to <a href="mailto:gidimu@eskom.co.za"><u>gidimu@eskom.co.za</u></a> (Eskom Representative) stating the name, position and contact details of each</p>

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	<p>proposed attendee to ensure an appointment to the meeting is received <b>two working days</b> prior to the meeting date.</p> <p>All questions and clarifications pertaining to this enquiry will be in writing only and addressed via email to the Eskom Representative namely, <a href="mailto:gidimu@eskom.co.za">gidimu@eskom.co.za</a>. Responses will be uploaded on the National Treasury e-tender portal and Eskom tender bulletin <b>only</b> and no individual responses to tenderers will be send</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 <b>five (5)</b> working days before the deadline for tender submission. <b>This includes any requests for tender closing extensions.</b></p>
2.23 Alternative tenders	Alternative tenders <b>are not allowed</b>
2.31 Provision of security for performance	<p>Should a tenderer be found not to be financially sound as a result of the financial analysis conducted, and a provision of security for performance is required, such tenderer will be notified as such.</p> <p>The names of two financial institutions that the tenderer will approach must be submitted when requested at the appropriate time. List of acceptable Guarantors is attached.</p>
3.4 Opening of tenders	Tenders <b>may not</b> be opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Tender prices <b>will not</b> be read out.
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria for a tenderer.</li> <li>2. Submit one (1) hard copy of the original tender to Eskom.</li> <li>3. Submit a complete original tender with commercial, financial and technical information.</li> <li>4. Submission of the mandatory commercial tender returnables as at stipulated deadlines</li> <li>5. Central Supplier Database (CSD) number (MAA.....)</li> </ol>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required by the required deadlines as stipulated in the Tender Returnable section of this Invitation to Tender; will be deemed non-responsive.
3.13 Functionality requirements	<p>Functionality requirements are applicable as follows:</p> <p>Functionality evaluation entails Technical. The following criteria will be used to assess the tenderer's technical capability to enter into a contract with Eskom with respect to specific products and to meet Eskom's requirements. The evaluation method has four (4) main stages:</p>

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- 1) Mandatory Requirements Evaluation
- 2) Technical Qualitative Requirements Evaluation
- 3) Factory Evaluation
- 4) Deemed Offer Risk(s) Evaluation.

Tenderer's offers must achieve at least the threshold for each stage in order to qualify for evaluation under a subsequent stage. Tenderers that do not achieve at least the threshold for a stage will not be evaluated further. The detailed methodologies for scoring in each stage are provided in Sections 3.1 to 3.4 of Eskom document 240- 171000216.

### Stage 1: Mandatory Requirements Evaluation

Criteria	Reference	Comply	Comments
Are completed Technical Schedules A&B, including any deviations, submitted?	Table A.1 – Annex A	Yes/No	
Is compliance to Quality Criteria, including any deviations, submitted?	Table A.2 – Annex A	Yes/No	
Are delivery lead times for first scheme and subsequent schemes stipulated?	Table B.1 – Annex B	Yes/No	
Is all information supplied in English?		Yes/No	
<b>Threshold.</b> Should the tenderer fail to meet ANY ONE of the above requirements they will be automatically disqualified.			

### Stage 2: Technical Qualitative Requirements Evaluation

Criteria	Score	Comments
Compliance with Technical Schedules A&B (Annex A)		
<b>Threshold</b>	<b>90%</b>	

### Stage 3: Factory Evaluation

Criteria	Score	Comments
Evaluation score from Factory Evaluation Checklist (Annex C)		
<b>Threshold</b>	<b>75%</b>	

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	<p><b>Stage 4: Deemed Offer Risk(s) Evaluation</b></p> <table border="1"> <thead> <tr> <th>Criteria</th><th>Score</th><th>Comments</th></tr> </thead> <tbody> <tr> <td>Deemed Offer Risk(s)</td><td></td><td></td></tr> <tr> <td><b>Threshold</b></td><td><b>Acceptable</b></td><td></td></tr> </tbody> </table> <p><b>Possible Mandatory and Recommended Conditions of Acceptance of the Tenderer's Offer</b></p> <p>For tenderer's offers that achieve the threshold for all stages of the technical evaluation, but which are found to have deficiencies regarding certain aspects of the offer (e.g. partial-compliances or non-compliances to requirements):</p> <ol style="list-style-type: none"> <li>1) that are deemed critical to the offer and/or core functioning of the solution on the Eskom network, and that are deemed to be non-negotiable for contract award, or</li> <li>2) whose improvement would enhance the offer and/or performance of the solution, but whose resolution is not mandatory for contract award.</li> </ol> <p>Eskom will include 'Mandatory' or 'Recommended' conditions of acceptance, to be negotiated prior to any contract award, in the technical evaluation report.</p> <p><b>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</b></p>	Criteria	Score	Comments	Deemed Offer Risk(s)			<b>Threshold</b>	<b>Acceptable</b>	
Criteria	Score	Comments								
Deemed Offer Risk(s)										
<b>Threshold</b>	<b>Acceptable</b>									
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>1. Inclusive of VAT</li> <li>2. Making the specified correction for arithmetical errors</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule.</li> <li>4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>5. 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>6. Unconditional discounts must be taken into account for evaluation purposes.</li> </ol>									

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	<p>7. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</p> <p>Prices will be scored out of 80 or 90 points</p>																														
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 or 20 points in accordance with PPPFA as follows:</p> <table border="1"> <thead> <tr> <th><b>BBBEE Level</b></th><th><b>Number of points (80/20 system)</b></th><th><b>Number of points (90/10 system)</b></th></tr> </thead> <tbody> <tr> <td>1</td><td>20</td><td>10</td></tr> <tr> <td>2</td><td>18</td><td>9</td></tr> <tr> <td>3</td><td>14</td><td>6</td></tr> <tr> <td>4</td><td>12</td><td>5</td></tr> <tr> <td>5</td><td>8</td><td>4</td></tr> <tr> <td>6</td><td>6</td><td>3</td></tr> <tr> <td>7</td><td>4</td><td>2</td></tr> <tr> <td>8</td><td>2</td><td>1</td></tr> <tr> <td>Non-compliant</td><td>0</td><td>0</td></tr> </tbody> </table> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20)</p> <p>Note:</p> <p><b>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ 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.</b></p>	<b>BBBEE Level</b>	<b>Number of points (80/20 system)</b>	<b>Number of points (90/10 system)</b>	1	20	10	2	18	9	3	14	6	4	12	5	5	8	4	6	6	3	7	4	2	8	2	1	Non-compliant	0	0
<b>BBBEE Level</b>	<b>Number of points (80/20 system)</b>	<b>Number of points (90/10 system)</b>																													
1	20	10																													
2	18	9																													
3	14	6																													
4	12	5																													
5	8	4																													
6	6	3																													
7	4	2																													
8	2	1																													
Non-compliant	0	0																													
3.18 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: -																														

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	<p>Either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system.</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the tenderers from the highest to the lowest.</p>
3.19 Objective Criteria	<p><b>Objective criteria are applicable as follows:</b></p> <p><b>National Industrial Participation Programme (NIPP)</b></p> <p>In line with DTI requirements on imported content that are above \$5million, the National Industrial Participation Programme has to be applied in order to stimulate local manufacturing capability and job creation. International manufactures of Digital Fault Recorders have to commit on minimum thirty percent local participation programme through formalized DTI NIPP obligations agreements. Therefore, in line with NIPP requirements, once the contract is awarded, the international company has to complete SBD 5 form as an undertaking to DTI.</p> <p><b>Note:</b> The above NIPP obligation will apply only if the foreign portion is equivalent or more than the stipulated minimum threshold of \$5 million. Suppliers will be encouraged to indicate or declare how much local manufacturing / procurement spend amounts to in this transaction. In an event where the foreign content does not exceed the NIPP threshold of \$5 million, the normal SDL&amp;I targets of skills development, Subcontracting and job creation will be applied.</p> <ol style="list-style-type: none"> <li>1. Subcontracting</li> </ol> <p>Mandatory subcontracting of a minimum of 30%, if feasible, shall be applicable as a condition for contract award as follows:</p> <ol style="list-style-type: none"> <li>a) must apply subcontracting to previously designated groups. must advertise the tender with a specific condition for contract award that the successful tenderer must subcontract a minimum of 30%, if feasible, of the value of the contract</li> </ol>
3.20 Reverse e-auction	Reverse e-auction is <b>not applicable</b> .
Contractual Requirements	<b>Contractual requirements may include the following:</b>

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	<p>The following will form part of the contractual requirements at contracting phase and <b>will not</b> constitute the evaluation criteria:</p> <p><b>a) Financial analysis:</b> A financial analysis of the qualifying tenderers financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all its contractual obligations for the duration of the contract, should the tenderer be awarded the contract. An evaluation is conducted on the finances of the tenderer, as well as the financial ratios (i.e. liquidity ratio, acid test ratio, etc.) and the strength of the company.</p> <p><b>b) Quality – Category2:</b> Eskom will evaluate the recommended tenderers compliance to the quality requirements applicable to the project, the tenderer/s has to comply with the requirements prior contracts award. (Refer to annexure for quality requirements).</p> <p><b>c) Safety (OHS)</b> Eskom will evaluate the recommended tenderers compliance to the safety requirements applicable to the project, the tenderer/s has to comply with the requirements prior contracts award. (Refer to annexure for safety requirements).</p> <p><b>d) SDL&amp;I Undertaking</b> SDL&amp;I Objectives in line with RDP goals: Skill Development Job creation</p> <p>Refer to Annexure J for SDL&amp;I Undertaking /Requirements.</p> <p><b>Please Note:</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/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as <b>non-responsive and ineligible for contract award</b>.</p>
2.25 Contractual Condition	The conditions of contract will be the <b>NEC 3 Supply Contract Controlled Disclosure</b> <b>Anonymously report fraud, corruption at 0800 11 2722/ forensic@eskom.co.za</b>

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CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable.
Company Screening	Company screening of the recommended supplier/s will be conducted by State Security Agency. Eskom reserves the right not to award a contract to a supplier/s or terminate a contract with a supplier/s should the results of the screening deem it necessary to terminate.
Allocation of contract	<p>The contract/s may be awarded to more than one supplier, in line with their PPPFA rankings, depending on the following:</p> <ul style="list-style-type: none"> <li>if there are risks associated with the highest ranked tenderer's ability to supply the required items/services, and/or</li> <li>if there are risks associated with how the highest ranked tenderer's offer is priced.</li> </ul> <p><b>Note:</b> Eskom reserves the right to not award the contract/s to the highest ranked tenderer/s if there are substantial risks associated with the tenderer's offer that are deemed to be unacceptable.</p> <p><b>The adequacy of the number of appointed suppliers to be reviewed on an annual basis and where it is deemed necessary to augment due to non-performance or lack of capacity by any one of the appointed suppliers, a tender process be undertaken to appoint one (1) or two (2) additional suppliers.</b></p>

**Please note:**

Evaluations will be conducted concurrently as far as possible.

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

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

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

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

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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

### 1.3 TENDER RETURNABLES

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

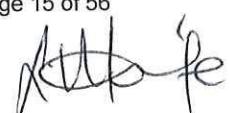
#### NOTE:

- \* 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.

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (1) original hard copy of the tender One (1) hard copy of the original tender	✓ ✓		
	<b>Note:</b> Eskom also prefers that <b>one (1) additional complete soft copy (in USB / Memory Stick)</b> of the original tender be submitted in electronic format, for all word, pdf or excel documents.			
<b>CSD Number</b>	CSD Number (MAAA.....)	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers' Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration Form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)  <b>Note: If not submitted tenderers will not be disqualified but prices will be evaluated as fixed prices.</b>		✓	
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)  <b>Note: If not submitted tenderers will not be disqualified but prices will be evaluated as fixed prices.</b>	✓		
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1 – to be completed and submitted by all tenderers			✓
<b># Annexure H</b>	SBD 6.1 – Preference Points Claim Form in terms of PPPFA 2022 Regulations		✓	
<b>Annexure I</b>	SBD 4 – Bidders' Disclosure		✓	
	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and		✓	

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<b>Reference</b>	<b>Returnable From Suppliers</b>	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.	
<b>Additional Documents required in event of JV:</b>	<p>obligations of each of the joint venture partners and their profit-sharing ratios.</p> <p>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.</p> <p>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.</p> <p>Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.</p>		✓		
<b>Specific Goals</b>	<p>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.</p> <p>Failure on the part of the supplier to submit <b>“proof of specific goals</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). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p>		✓		
<b>Tax Clearance Certificates</b>	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				✓

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	<p>verification by Eskom and/or their CSD profile / CSD number).</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD 1 document, however no proof of tax compliance is required.</p>			
<b>Compliance with Employment Equity Act</b>	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)			✓
<b>Pricing Schedule</b>	Pricing Schedule, Shipping, Transport and Off-loading Schedules	✓		
<b>NEC Contract</b>	Contract Data by Supplier		✓	
<b>NDA for Vendors</b>	Non-Disclosure Agreement (NDA)		✓	
<b>DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA</b>				
<b>National Industrial Participation Programme (NIPP) (if applicable)</b>	NIPP Undertaking			✓
<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS</b>				
<b>Safety</b>	<b>Annexure B</b> Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer? <b>Health and Safety Plan</b>			✓

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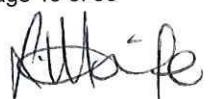
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	<p>(must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)</p> <p><b>Costing for Health and Safety management</b> Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum).</p> <ul style="list-style-type: none"> <li>• The costing must be based on the overall scope of work/service to be performed;</li> <li>• The scope of work and the risk assessment may serve as a guideline.</li> </ul> <p><b>Baseline OHS Risk Assessment (BRA)</b> Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA</p> <p><b>Valid Letter of Good Standing</b> (COIDA or equivalent)</p> <p><b>OHS policy signed by CEO</b> The submitted policy must comply to OHS Act Section 7</p> <p><b>OHS Competency</b> (Consider scope of work, risks, OHS plan and applicability) CV,s and qualifications / certificates (List competencies required)</p>			
<b>Quality</b>	<ul style="list-style-type: none"> <li>• SECTION A: Quality Management System Requirements ISO 9001 (Option 1 or Option 2)</li> <li>• SECTION B: Evidence of QMS in operation</li> <li>• SECTION C: Contract Quality Plan</li> </ul>			✓

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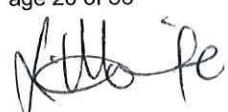
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	<ul style="list-style-type: none"> <li>SECTION D: Quality Control Plan / Inspection Test Plan</li> <li>SECTION E: Form A</li> </ul>			
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>				
<b>Technical documents required for Functionality Scoring as per Technical Evaluation Criteria document – Ref No. 240-171000216</b>	1. Completed Technical Schedules A&B, including any deviations. (See Table A.1 in Annex A of Eskom document 240-171000216.) 2. Compliance to Quality criteria, including any deviations. (See Table A.2 in Annex A of Eskom document 240-171000216.) 3. Delivery Lead Time Commitment (See Table B.1 in Annex B of Eskom document 240-171000216.) 4. Abridged CVs of key technical persons (See requirements in Annex D of Eskom document 240-171000216.)	✓		

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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 Content List, and that each document is complete.

Or: Incorrect or incomplete for the following reasons:

---



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### **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:

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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: \_\_\_\_\_

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

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

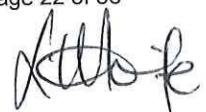
Contact details of contact person:

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	

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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	
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](http://www.treasury.gov.za)
5. If you are registered on SARS Efilng 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 Efilng 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).

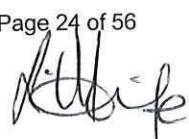
YES	NO
-----	----

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

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8.1 Confirm if you intend sub-contracting

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

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		NO	
-----	--	----	--

8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

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

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

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

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

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

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

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### 1. Single tenderers

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

### 2. Joint Ventures

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

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

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

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## ANNEXURE C

### INTEGRITY DECLARATION FORM

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

#### **DECLARATION OF INTEREST**

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

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

#### **1.a juristic person is "related" to another juristic person if:-**

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of "control" (as per Companies Act section 2(1) );
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of "control"

5. the tenderer/s and one or more of the tenderers in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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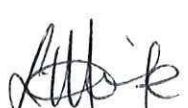
Please complete the declaration with an 'X" under YES or NO

Item	Question	Yes	No
1.1	<p>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.2	<p>Is the tenderer/s (or any of its directors / members / shareholders)? 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 tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
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	<i>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>		

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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

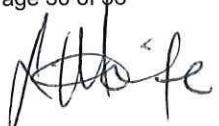
#### Other Entities\*:

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 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.

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

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**Joint Ventures**

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

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

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

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

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

(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)**

#### **1. APPLICATION OF CPA**

- In terms of the volatile commodities, CPA will be applicable from the base date prior to enquiry to the end date of the contract. The volatile commodities are those commodities which are easily impacted by the international market.
- **Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed and firm for the full duration of contract.**
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.
- The base date for CPA calculation purposes will be one month prior to enquiry closing or as agreed to between the parties (if there is a need to move the base date during contract negotiations).
- The latest / ruling index used for CPA calculation purposes will be aligned to the delivery dates of the equipment on the assessment for payment on a particular payment certificate month.
- For general construction works the latest / ruling index used will be the index published on the month of producing the payment certificate.

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **A. Main Offer**

- A Main Offer that is fully compliant with CPA requirements as specified above.
- 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.**

#### **3. ESKOM'S PREFERRED INDEX LIST**

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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. **Refer to Pricing Schedule for proposed CPA formula,**

#### **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:

4. 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.
5. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

#### **5. NUMBER OF FORMULAE & INDECES**

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.

#### **6. CPA FIXED PORTION**

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

#### **7. INDICES**

- Indices are to be in the public domain.
- No in-house indices may be used for CPA.

#### **8. 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*

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3. In this case, the following shall apply:

- Where the average is published:

*The average published price in the currency Eskom will be exposed to. e.g.  
The currency in which Eskom will effect payment*

- Where a high, low, and mean are published:

*The mean*

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

*The Cash Settlement or Cash Sellers Price*

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

Closing date of tender \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

## ANNEXURE E

### **Controlled Disclosure**

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### CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

Tenderers:

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic, for example, transport costs will only be paid in Rands.

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated **below** for the payment relating to those imported goods/services:

### CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

#### **CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION**

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

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

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

#### **PART 1: PAYMENT OF FOREIGN COMMITMENTS**

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

**Payment Method 1A:**

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

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

Payment Method 1B;

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

Please note:

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

**Applicable(Y/N) or**

**Payment Method 2:**

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

Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

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

**Applicable (Y/N).....**

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

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

**Fixed ZAR pricing**

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be

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quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

**Applicable (Y/N).....**

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

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

#### **PART 2: EXCHANGE RATES**

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

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

#### **PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC**

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

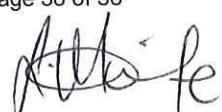
	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

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

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

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

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

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

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

#### 4. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

#### 5. EXPATRIATE LABOUR METHOD

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

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

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

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

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

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

1. When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
2. Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.
3. Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.

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4. Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
5. Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
6. Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.
7. Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

## ANNEXURE G

**SBD 1**

### PART A

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**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)**

BID NUMBER:	CLOSING DATE:	CLOSING TIME:
DESCRIPTION		

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

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


**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
	TCS PIN:		OR CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR 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			

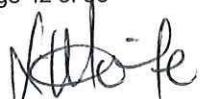
## PART B TERMS AND CONDITIONS FOR BIDDING

<b>BID SUBMISSION:</b>
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.
<b>TAX COMPLIANCE REQUIREMENTS</b>
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.

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

#### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  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.

#### ANNEXURE H

**SBD 6.1**

#### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

## 2. To be completed by the organ of state

1. 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:

	<b>POINTS</b>
<b>PRICE</b>	<b>80/90</b>
<b>SPECIFIC GOALS</b>	<b>20/10</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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

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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

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P<sub>min</sub> = Price of lowest acceptable tender

## 2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME **Controlled Disclosure**

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## GENERATING PROCUREMENT

### 1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

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 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 tenderers: The tenderer must indicate how they claim points for each***

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*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)
BBBEE Level 1	10	20		
BBBEE Level 2	9	18		
BBBEE Level 3	6	14		
BBBEE Level 4	5	12		
BBBEE Level 5	4	8		
BBBEE Level 6	3	6		
BBBEE Level 7	2	4		
BBBEE Level 8	1	2		
Non compliant	0	0		

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

1. Name of company/firm.....
2. Company registration number: .....
3. TYPE OF COMPANY/ FIRM

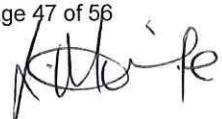
- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

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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.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

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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 interest<sup>1</sup> 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

<sup>1</sup> 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 consortium<sup>2</sup> 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

<sup>2</sup> 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

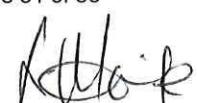
.....  
Position

.....  
Name of bidder

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## Annexure J

### SDL&I Undertaking

#### Section 1: Objective criteria

The inclusion of objective criteria in an enquiry is not mandatory but a condition for contract award, and if included, this must align with the requirements of the PPPFA [clause 2(1)(f)] and be clearly stated in the enquiry together with the consequence of such objective criteria (i.e., if the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award).

#### 1.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?

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

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
N/A		

**NOTE:** SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory for contract award**.

#### 1.2 CIDB Skills Development Continuation of Mandatory Requirements for Contract Award

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a) Is there CIDB compulsory training?

If Yes, what is the% of the Construction Skills Development Goal % (CSDG)

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not applicable	

If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets

Criteria	Eskom Target	Tenderer Commitment
CSDG Percentage	N/A	
Description	N/A	

### 1.3 NIPP

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

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

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OR

## Section 2: Other SDL&I Objectives in line with RDP Goals

Tenderers who complete and submit the undertaking as required, but who do not meet Eskom's targets, will not be disqualified. SDL&I undertakings do not form part of scoring but commitments will form part of contractual obligations

- BBBEE requirements:** All tenderers must at a minimum maintain their BBBEE status throughout the contract period.
- Jobs.** Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

Type of Jobs to be created	Number of Jobs to be created

Type of Jobs to be retained	Number of Jobs to be retained

### 3. Subcontracting

Mandatory subcontracting of a minimum of 30%, if feasible, shall be applicable as a condition for contract award.

- must apply subcontracting to previously designated groups.
- must advertise the tender with a specific condition for contract award that the successful tenderer must subcontract a minimum of 30%, if feasible, of the value of the contract to:

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

Tender Returnable if the above element is a requirement;

- Proof of a sub-contract agreement/s must be submitted.
- CSD report of subcontractors

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- Sub-contractor/s B-BBEE certificate / sworn affidavit must be submitted.

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

#### 4. Skills development

Tenderers are required to submit proposals for skills development of unemployed candidates. Skills development target is fifteen (15) candidates in order to address Eskom's core, scarce and critical skills and the MerSETA scarce and critical skills. These skills are also included in a 2018 list of occupations in high demand as stipulated in the Government Gazette 41728. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa.

Category	Eskom Target	Tenderer proposal
Technician	8	
Artisan	7	

The process of developing these skills shall involve the participation by tenderers directly and also through their supply network. In certain cases, the SETAs accredited training providers can be approached to participate in developing critical and scarce skills.

Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners. Tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives.

#### Section 4: SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.

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

## Section 5: Reporting and Monitoring

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award.

## Section 6: General Information on 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.

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