

	Invitation to Tender	Document Identifier	240-114238630	Rev	24
		Effective Date	21 February 2025		
		Review Date	February 2030		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

#### FOR

Full rewinding and testing of transformers and NECRTs in Limlanga Cluster (500Kva, 750Kva, 1000Kva, 1250kVA, 1600Kva, 2000Kva, 2500Kva, 3150kVA, 3500kVA, 4000Kva and 5000Kva) and NECRTs from 6,6kV, 11Kv, 22Kv, 33Kv and 44Kv and provide for auxiliary box, 24 way module, 12 way module, nameplate, LED light and heater on an “as and when required” basis over period of 5 years.

<b>Tender number</b>	<b>LP00211AR</b>
<b>Issue date</b>	<b>29 May 2025</b>
<b>Closing date and time</b>	<b>20 June 2025 at 10h00 AM</b>
<b>Tender validity period</b>	<b>120 days from the closing date and time</b>
<b>Clarification meeting</b>	<p><b>A non-compulsory clarification meeting will take place as follows:</b>  <b>Date: 10 June 2025</b>  <b>Time: 11h00 AM</b></p> <p><b>Tenderers interested to participate in the clarification meeting through online Microsoft teams must click on the link below</b>  <a href="#"><b>Join the meeting now</b></a></p>
<p><b>Tenders are to be delivered to the following address by the stipulated closing date and time.</b></p> <p><b><i>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time</i></b></p>	<p><b>Eskom Holding SOC Ltd</b>  <b>The Tender Office</b>  <b>Limlanga Cluster -Limpopo</b>  <b>Millennium Building</b>  <b>90 Hans Van Rensburg Street</b>  <b>Polokwane</b></p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *proposal* for **Full rewinding and testing of transformers and NECRTs in Limlanga Cluster (500Kva, 750Kva, 1000Kva, 1250kVA, 1600Kva, 2000Kva, 2500Kva, 3150kVA, 3500kVA, 4000Kva and 5000Kva) and NECRTs from 6,6kV, 11Kv, 22Kv, 33Kv and 44Kv and provide for auxiliary box, 24 way module, 12 way module, nameplate, LED light and heater on an “as and when required” basis over period of 5 years.**

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

1. Free of charge

Eskom has delegated the management of this Invitation to Tender to the *Eskom Representative* whose name and contact details are set out in the Tender Data. The submission of a proposal by you in response to this Invitation to Tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at [www.eskom.co.za](http://www.eskom.co.za).

**Tender documentation can be downloaded from the following:**

1. <https://tenderbulletin.eskom.co.za/>
2. [www.etenders.gov.za](http://www.etenders.gov.za)

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the *Eskom Representative*. No query or clarification may be addressed to any Eskom official other than the *Eskom Representative*.

Yours faithfully



Mr Madimetja Phalane

Procurement Manager, Limlanga Cluster (Limpopo)


Date: 29/05/2025

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### 1.1 Annexures to the Tender

The following document listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form ( <b>Suppliers are required to download and read the Supplier Integrity Pact. It is accessible on the Eskom Tender Bulletin via <a href="https://www.eskom.co.za">Eskom Supplier Integrity Pact (eskom.co.za)</a> link</b> )	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	*CPA(IG) for Foreign Goods/Services ( <b>if applicable</b> )	Annexure F	N/A
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content ( <b>only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures G1 to G4 as evidence of compliance with this requirement</b> ).	Annexure G1	Y
	Annexure C Local Content Declaration-Summary Schedule	Annexure G2	Y
	Annexure D Imported Content Declaration – Supporting Schedule to Annexure C	Annexure G3	Y
	Annexure E Local Content Declaration-Supporting Schedule to Annexure C	Annexure G4	Y
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y

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Number	Description	Annexure	Attached (Y / N / N/A)
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Scope of Work	Included in the NEC 3 as attached separately	Y
1.1.14	NEC3 Term Service Contract (TSC3)	Attached Separately	Y
1.1.15	Non-Disclosure agreement (NDA)	Attached Separately	Y
1.1.16	Eskom Standard conditions of tendering Rev.12	Attached Separately	Y
1.1.17	Supplier Quality Management (SQM) : List of Tender Returnables	Attached Separately	Y
1.1.18	(Form A) Quality requirements	Attached Separately	Y
1.1.19	Quality Control Plan	Attached Separately	Y
1.1.20	Contract Quality Plan	Attached Separately	Y
1.1.21	Supplier Quality Management: Specification (QM 58)	Attached Separately	Y
1.1.22	<b>The following technical document are applicable for this tender:</b> <ul style="list-style-type: none"> <li>Appendix R</li> </ul>	Attached Separately	Y
1.1.23	Annexure G - Tax Compliance Questionnaire for Foreign Suppliers	N/A	

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## 1.2. Tender Data

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** are not attached to the **Request for Proposal**, then tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The "**Tender Data**" as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Anastacia Raphasha</b>  Tel: <b>+27 11 800 5085</b>  E-mail: <a href="mailto:RaphasAM@eskom.co.za">RaphasAM@eskom.co.za</a></p>
1.3 Tender documents	<p>The Invitation to tender number is: <b>LP00211AR</b></p> <p>See the content list above for the tender documents.</p>
1.4 Type of Invitation to Tender	<p>This enquiry is:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to Tender</li> </ol>
1.6 Eskom's right to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>3. Tenders submitted by a joint venture 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.</li> </ol>

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Clause Number from Standard Conditions of Tender	Tender Data
	<p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/Invitation To Tender] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(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 to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non-authorized persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for <b>Invitation to Tender submission</b> is:</p> <p>Date: <b>20 June 2025</b></p> <p>Time: <b>10h00am</b></p> <p><b>Late Tenders will not be accepted.</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>Eskom Holding SOC Ltd</b>  <b>The Tender Office</b>  <b>Limlanga Cluster -Limpopo</b>  <b>Millennium Building</b>  <b>90 Hans Van Rensburg Street</b>  <b>Polokwane</b></p> <p><b>MARKED: CONFIDENTIAL TENDER NO: LP00199AR</b></p> <p><b>NB: No emailed or faxed tenders will be accepted. Tenders must be hand delivered to the above address.</b></p>

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Clause Number from Standard Conditions of Tender	Tender Data
2.7-2.11 Submitting a tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>The tenderer must submit two hard copies of the tender (an original tender plus 1 additional complete hard copy of the original tender)</p> <p>Tenderers will not be permitted to provide the required copies after the deadline for tender submission have passed, and Eskom will not be responsible for the making of copies of tenders for the purposes of evaluation.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> <p>Evaluations are usually based on the copy provided. Therefore, it is the tenderer's responsibility to ensure that the copy is 100% identical to the original.</p>
2.12 Tender Validity Period	The tender validity period is <b>120 days</b> .
2.15 Clarification meeting	<p>A <b>non-compulsory clarification meeting</b> with representatives of Eskom will take place as follows:  <b>Date: 10 June 2025</b>  <b>Time: 11h00 AM</b>  Tenderers interested to participate in the clarification meeting through online Microsoft teams must click on the link below:  <a href="#"><u>Join the meeting now</u></a></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is <b>[7]</b> working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.34 Provision of Security for Performance	Will be detailed in the NEC3 Term Services Contract (TSC3).
3.4 Tender Opening	Tenders will be opened at the same date and time as the tender deadline.
3.5 Tender Prices	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<b>Step 1: Basic compliance with this Invitation to Tender requires a tenderer to meet all the following requirements:</b>


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	<p>Basic compliance for this invitation to Tender are:</p> <p>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness.</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• The tenderer must submit two hard copies of the tender (an original tender plus 1 additional complete hard copy of the original tender)</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> </ul> <p><b>Tenderers who do not meet this requirement will not be evaluated further.</b></p>
3.10 Mandatory tender returnables	<p><b>Step 2: Mandatory Requirements</b></p> <p>A tenderer that does not submit mandatory documents by or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender will be deemed non-responsive.</p> <p><b>2.1 Commercial mandatory returnables (disqualifiable)</b> - These returnables 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 tenderer will be disqualified.</p> <ul style="list-style-type: none"> <li>• Acceptance of the rates as included in the price list of the NEC3 Term Services Contract (TSC3).</li> <li>• CPA for local goods/services (if applicable) <b>(Acceptance of the CPA conditions as stipulated in the tender document. Where CPA conditions are not accepted with the tender, the prices will be deemed fixed for the duration of the contract period)</b></li> </ul> <p><b>2.2 Commercial mandatory returnable (Non-disqualifiable)</b> - These returnables are 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, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified</p> <ul style="list-style-type: none"> <li>• Annexure B – Acknowledgement Form</li> <li>• Annexure C - Tenderers Particulars</li> <li>• Annexure D –Integrity Pact Declaration form</li> </ul>


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	<ul style="list-style-type: none"> <li>Annexure J - SBD 4 – Bidders Disclosure</li> <li>Annexure H - SBD 1 - Invitation to Bid</li> <li>Annexure A - Submit completed and signed declaration of authority form/ Authorisation Form (<b>A tenderer must declare that the information provided in its tender is true and correct and that the signatory to the tender is duly authorised to sign all documents related to the Enquiry and any ensuing contract</b>)</li> <li>Submit completed and signed non-disclosure agreement (NDA)</li> <li>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.</li> <li>Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios where responding to this tender as a JV</li> </ul> <p><b>These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.</b></p> <ul style="list-style-type: none"> <li>SBD 6.1- Preference Points Claim Form in terms of PPR 2022 regulations (Annexure I)</li> <li>Proof of compliance to the stipulated Specific goals.</li> </ul> <p><b>The tenderer who fail to meet the mandatory requirements will not be evaluated further.</b></p>						
3.13 Functionality requirements	<p><b>Step 3 - Functionality</b></p> <p>Functionality will be evaluated on a total weight of 100% with a minimum threshold of 90%.</p> <p><b>The following is an overview of the functionality criteria:</b></p> <table border="1"> <thead> <tr> <th>Functionality</th><th>Weightings</th></tr> </thead> <tbody> <tr> <td>Technical</td><td>100%</td></tr> <tr> <td><b>Overall minimum threshold for qualification</b></td><td><b>90%</b></td></tr> </tbody> </table>	Functionality	Weightings	Technical	100%	<b>Overall minimum threshold for qualification</b>	<b>90%</b>
Functionality	Weightings						
Technical	100%						
<b>Overall minimum threshold for qualification</b>	<b>90%</b>						

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	<p>A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications. The technical evaluation criteria and weights are as illustrated below.</p> <p><b>Detailed technical evaluation criteria is attached separately as Appendix R</b></p> <p><b>The tenderer(s) which fail to meet the minimum functionality threshold of 90% will be disqualified for further evaluation.</b></p> <p><b>Note: Eskom reserves the right to conduct reference checks if a need arise, Tenderer(s) shall be disqualified if found to have misrepresented information on the tender document.</b></p>														
3.15 Evaluation of Price	<p><b>Stage 4: Price and Preference</b></p> <ul style="list-style-type: none"> <li>Price points will be calculated out of 80 for price. Price = Evaluated price, including VAT.</li> <li>A maximum of 20 points will be allocated to specific goals. The prices and preference points will be added together to determine the highest scoring tenderer.</li> <li>Standard rates are applicable, and it is a mandatory requirement for contractors to accept the rates. All contractors that meet stage 1-3 of the evaluation process will be awarded 80 points for price.</li> </ul>														
3.18 Evaluation of Specific Goals	<p><b>Specific Goals</b></p> <p>A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points</p> <table border="1"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr> </thead> <tbody> <tr> <td>1</td><td>20</td></tr> <tr> <td>2</td><td>18</td></tr> <tr> <td>3</td><td>14</td></tr> <tr> <td>4</td><td>12</td></tr> <tr> <td>5</td><td>8</td></tr> <tr> <td>6</td><td>6</td></tr> </tbody> </table>	B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6
B-BBEE Status Level of Contributor	Number of points (80/20 system)														
1	20														
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	7	4
	8	2
	Non-compliant contributor	0
	<p><b>NB: The following documents are required to claim preference points:</b></p> <ul style="list-style-type: none"> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> <li>Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown</li> <li>Certified ID copies of shareholder(s)</li> <li>Proof of Disability (where applicable)</li> </ul> <p>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but:</p> <ul style="list-style-type: none"> <li>May only score point out of 80 for price</li> <li>Scores 0 points out of 20 for specific goals</li> </ul> <p>Valid B-BBEE certificate <b>[Mandatory for contract award]</b>.</p> <p><b>The certificate must be issued by an authorized body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; any other requirement prescribed in terms of the Broad-Based Black Economic</b></p> <p><b>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</b></p> <ul style="list-style-type: none"> <li>Name/s of deponent as they appear in the identity document and the identity number.</li> <li>Designation of the deponent as the <b>director, owner</b> or <b>member</b> must be indicated in order to know that person is duly authorised to depose of an affidavit. <b><u>(Mark the applicable option)</u></b>.</li> <li>Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</li> <li>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. <b><u>(No blank spaces to be left)</u></b>.</li> <li>Indicate total revenue for the year under review and whether it is based on <b>audited financial statements</b> or <b>management account</b>. <b><u>(Mark the applicable option)</u></b>.</li> </ul>	

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	<ul style="list-style-type: none"> <li>Financial year end as per the <b>enterprise's registration documents</b>, which was used to determine the total revenue. <u>(Financial year end to be stipulated by day/month/year).</u></li> <li>B-BBEE Status level. An enterprise can only have one status level. <b>(Tick applicable level)</b></li> <li>Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</li> <li>Date deponent signed and date of Commissioner of Oath must be the same. <b><u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u></b></li> <li>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.</li> </ul>
3.19 Ranking of tenders	<p>Contract will be awarded to the highest ranked supplier based on PPR2022 ranking.</p> <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]: -</p> <p><b>(a)</b> 80/20 for tender with rand value equal to or below R50 million</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p> <p><b>The ranking will be as follows:</b></p> <ul style="list-style-type: none"> <li>The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100.</li> <li>In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals.</li> <li>In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.</li> </ul> <p><b>The total number of contractors required is one (1)</b></p>
3.20 Objective Criteria (if applicable)	<p><b>Objective Criteria in terms of Section 2(1)(f) of the PPPFA is applicable</b></p> <p>The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award</p>

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	<div>Designated Sectors</div> <div>When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer</div> <table><tr><th>Sector</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Transformer Components and Conversion Activities: Class 1</td><td>Windings</td><td>50%</td></tr></table> <div>NOTE: SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore <b>mandatory</b> and must be tender returnables</div>	Sector	Components	Local Content Threshold	Transformer Components and Conversion Activities: Class 1	Windings	50%
Sector	Components	Local Content Threshold					
Transformer Components and Conversion Activities: Class 1	Windings	50%					
3.21 Reverse e-auction (if applicable)	Reverse e-auction is <b>not applicable</b>						
Contractual Requirements	<div>Step 5: CONTRACTUAL REQUIREMENTS</div> <div>The following contractual requirements shall apply:</div> <div><ul style="list-style-type: none"><li>Commercial Compliance;</li><li>Environmental;</li><li>Quality;</li><li>Safety &amp; Health</li><li>SDL&amp;I</li></ul></div> <div>Tenderer/ tenderers recommended for award, including those justified on the bases of objective criteria, must still meet Contractual requirements as set out in the enquiry. Contractual requirements exclude objective criteria and Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</div> <div>The tenderer will be allowed 7 working days, to resubmit the contractual requirements that were not met after the tender submission.</div> <div>Proof that the highest-ranked tenderer / preferred tenderer is able to meet the contractual requirements must be submitted before the contract may be awarded.</div> <div>If the tenderer does not meet a contractual requirement, mitigating factors, may be agreed to and be made terms and requirements of the contract. If the tenderer does not agree with the mitigating factors or if there are insufficient suitable mitigating factors or if the risk is deemed too high, the tender may be awarded to a tenderer other than the highest-ranked (the second-ranked).</div>						

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Clause Number from Standard Conditions of Tender	Tender Data
	<p><b>Section A. The below evaluation/ assessment SHEQ criteria for Occupational Health and Safety Legal and Other Requirements shall apply for the purposes of this inquiry.</b></p> <p>The OHS/SHEQ Legal requirements for this contract are not for evaluation criteria, however they are required to be assessed and fully met after the evaluation/ ranking of the tenders and found to be technically viable.</p> <p>Suppliers tendering for contracts with Eskom will be required to provide evidence of their compliance for all SHEQ requirements. Where Safety &amp; Health, Environmental and Quality (SHEQ) is a legal or contractual requirement for the execution of the ensuing contract, for the purposes of this tender all legal requirements pertaining to SHEQ must be demonstrated to be in place and legally valid prior contract tender award.</p> <p>This is aligned to the SHEQ requirements for the Procurement and Supply Chain Management process in Eskom Revision 5 and Eskom Contracts and Contractor Management Standard.</p> <p>The tenderer/s will be allowed a period not exceeding 7 working days only once, after the first evaluations to resubmit the requirements which were not fully met following the submission at tender closing.</p> <p>Failure to meet the stipulated submission deadlines shall render the tenderer/s non-responsive and ineligible for contract award.</p> <p>Both first and second evaluations shall be subjected to reviews for quality and assurance purposes before the final OHS report is compiled and submitted to the Procurement Practitioner indicating responsive (eligible) and non-responsive (ineligible) suppliers/ tenderers.</p> <p>Tenderers failing to meet all the OHS/SHEQs legal and other requirements shall be ineligible for contract tender award.</p> <p><b>A) Commercial Statutory compliance</b></p> <ul style="list-style-type: none"> <li>• B-BBEE Certificates / Sworn Affidavits</li> <li>• Tax Compliance Status (TCS) e-filing PIN from SARS</li> <li>• Valid Original certificate of good standing or proof of application issued by the Compensation Fund (COID)</li> <li>• Proof of National Treasury Central Supplier Database registration (CSD) that has a tax compliant status at award</li> </ul>

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	<ul style="list-style-type: none"><li>Completed and signed Supplier Evaluation Pack for Service Providers - PAYE</li></ul> <p><b>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status.</b></p> <p><b>B) Environmental Contractual Requirement</b></p> <table><tr><td>1.</td><td><b>Environmental policy</b></td><td>Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.</td></tr><tr><td>2.</td><td><b>Company organogram</b></td><td>Company's organogram depicting an environmental representative.</td></tr><tr><td>3.</td><td><b>Environmental appointment letter</b></td><td>Appointment letter of the employee responsible for environmental issues within the company. Appointment letter to be accepted and dated.</td></tr><tr><td>4.</td><td><b>Communication plan</b></td><td>Company's communication plan / procedure on what, how &amp; when relevant environmental issues will be communicated.</td></tr><tr><td>5.</td><td><b>Aspect and impact register</b></td><td>Aspect and impact register relevant to the services (activity related) tendered for.</td></tr><tr><td>6.</td><td><b>Environmental management programme</b></td><td>Environmental management programme related to the services (activity related) tendered for.</td></tr><tr><td>7.</td><td><b>Environmental Incident/complaints register</b></td><td>Incident/complaints register for environmental incidents</td></tr><tr><td>8.</td><td><b>Emergency preparedness plan (EPP)</b></td><td>Emergency preparedness procedure/plan for environmental emergencies with emergency contact details</td></tr><tr><td>9.</td><td><b>Environmental Awareness Training</b></td><td>Valid Eskom's Environmental law certificate (within 3 years). <b>This will be required prior to commencement of work.</b></td></tr></table>			1.	<b>Environmental policy</b>	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.	2.	<b>Company organogram</b>	Company's organogram depicting an environmental representative.	3.	<b>Environmental appointment letter</b>	Appointment letter of the employee responsible for environmental issues within the company. Appointment letter to be accepted and dated.	4.	<b>Communication plan</b>	Company's communication plan / procedure on what, how & when relevant environmental issues will be communicated.	5.	<b>Aspect and impact register</b>	Aspect and impact register relevant to the services (activity related) tendered for.	6.	<b>Environmental management programme</b>	Environmental management programme related to the services (activity related) tendered for.	7.	<b>Environmental Incident/complaints register</b>	Incident/complaints register for environmental incidents	8.	<b>Emergency preparedness plan (EPP)</b>	Emergency preparedness procedure/plan for environmental emergencies with emergency contact details	9.	<b>Environmental Awareness Training</b>	Valid Eskom's Environmental law certificate (within 3 years). <b>This will be required prior to commencement of work.</b>
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	10.	Waste Management Plan	Waste management plan on how waste generated on site will be managed, to include where disposal occurs. Note: Disposal to be at licenced Municipal landfill sites
	C) Quality Contractual Requirement		


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		Supplier Quality Management: List of Tender Returnables Documents	Unique Identifier	240-12248652
			Revision	7
			Effective Date	2022/01/26
			Specification	240-105658000
	Category 3 : Quality Requirements		Deliverables to be evaluated indicator = 1	
	SECTION A: Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body			
				Apply =1
	A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant			0
	A.2 Certificate by Approved and Authorized certification authority			0
	A.3 Certification Authority has Recognized International Accreditation			0
	A.4 Validity (expiry date) of certificate			0
	Section A Score Option 1			0
	SECTION A: Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001			
				Apply =1
	A.1 QMS Manual or a document that defines and describes the QMS and its scope			1
	A.2 Quality Policy Approved by top management.			1
	A.3 Quality Objectives Approved by top management.			1
	A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015			1
	A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015			1
	A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015			1
	A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015			1
	Section A Score Option 2			7
	SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)			
				Apply =1
	B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)			1
	Section B Score			2
	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)			


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	<b>D) Safety &amp; Health Contractual Requirement</b>				
	The following legal OHS/SHEQ and other tender returnables/ requirements shall apply: -				
	Annexure C1 – OHS Tender returnables Attachment				
	Annexure B- Acknowledgement of Eskom Rules				
		Annexure C 1: SHE Tender Returnables Transformer Maintenance Contract – Mpumalanga Province	Template Identifier	240-43921898	Rev 5
			Document Identifier	240-77471651	Rev 3
			Effective Date	May 2021	
	The following Minimum OHS -related requirements that bidders have to address and respond to when submitting their tender returnable are as follows:				
	<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>		
			<u>Yes</u>	<u>No</u>	
	Section A: OHS Legal Requirements to be met by Contractors at Tender Stage before contract award (Application of Responsive and Non-Responsive Criteria)				
1.	<b>SHE Plan</b> - Must address the project /scope of work OHS risk(s) and aligned with the health and safety specifications or requirements)	✓			
2.	<b>2.1 Provide Baseline SHE Risk Assessment (BRA)</b> - Identification, assessment of OHS risks related to the scope of work including work at height risks.  The criteria below should be applied <ul style="list-style-type: none"><li>Consequence rating</li><li>Likelihood rating</li><li>Risk rating,</li><li>Mitigation measures, review and monitoring plan</li></ul>	✓			

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		<b>2.2 Provide the BRA Procedure</b> with the methodology used for the risk assessment must be submitted.		
	3.	<b>Valid Letter of Good Standing or equivalent</b> , i.e. COID, FEMA or RMA. Your COID must depict the correct/ relevant nature of business, e.g. maintenance of transformers. (Copy shall be certified no later than 3 months at the time of tender closing).	✓	
	4.	<b>SHE policy signed by CEO/ MD not SHE Officer</b> – Should have the next review date, Comply with OHS Act Section 7 and Requirements or ISO 45001 compliant.	✓	
	5.	<b>Provide the following SHE Competency training certificates.</b> (All certificates should be certified and should not be certified older than three months at the time and date of the tender closing). <b>5.1</b> First aiders level 2 and service provider SETA Accreditation Certificate. <b>5.2</b> Fire Fighting Training Competency certificate. <b>5.3</b> HIRA Training (SHE Officer or Company Supervisor) <b>5.4</b> Incident Management Training Certificate <b>5.5</b> Basic Rigging and Lifting Competency Training Certificate <b>5.6</b> Evacuation Official/Warden (Emergency Preparedness certificate)	✓	
	<u>Ref.</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
			<u>Yes</u>	<u>No</u>
	6.	Provide Company Organogram and 4 Valid employees medical certificates of fitness for the maintenance teams.	✓	
	7.	<b>7.1</b> Provide Valid Driver License/s and PDP - Copies shall be certified no later than 3 months at the time of tender closing). <b>7.2.</b> Submit your Company Vehicle Driver Safety	✓	

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		ManagementProcedure		
		7.3 Appointment letter for drivers as per company organogram.		
	8.	Provide Company Emergency Preparedness and Response Plan – it should detail scope specific relevant emergencies and emergency contact details.	✓	
	9.	Provide PPE Procedure outlining all required PPE criteria for issue, use, storage, maintenance and limitations for the scope of work, include equipment checklist to be used, i.e. transformer maintenance checklist.	✓	
	10.	Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) signed and submitted by the tenderer?	✓	
End.				
<b><u>Scoring Criteria:</u></b>				
0 = Document not submitted OR submitted but does not satisfy the minimum requirements				
1 = Document submitted, and the content satisfy the minimum SHE requirements				
<b>E) SDL&amp;I</b>				
<b>SDL&amp;I Objectives in line with Reconstruction and Development Programme (RDP) Goals</b>				
Tenderers who complete and submit the objectives as required, but who do not meet Eskom’s targets, will not be disqualified. SDL&I objectives do not form part of scoring but commitments will form part of contractual obligations				
<b>3.1 Transformation – BBBEE Improvement or Retention Plan</b>				
Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.				
Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.				

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	<p>Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.</p> <p>Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract.</p> <p>Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract.</p> <p>NB: A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company’s annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate</p> <p><b>3.2 Procurement spend on entities with a minimum 51% black ownership</b></p> <p>The tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:</p> <ul style="list-style-type: none"><li>indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups; and</li><li>direct spend on goods and services supplied by the subcontractors for the execution of the scope of work</li></ul> <p><b>The tenderer will be required to propose as follows:</b></p> <table><tr><th>Procurement from Designated Group</th><th>Target</th><th>Tenderer’s Proposal</th></tr><tr><td>Procurement from black owned entities</td><td>5%</td><td></td></tr></table> <p><b>3.3 Skills Development</b></p> <p>Tenderers are required to submit proposals in the table below for developing the skills of unemployed candidates in the country. The composition of the candidates shall be representative of the population demographics of South Africa.</p>	Procurement from Designated Group	Target	Tenderer’s Proposal	Procurement from black owned entities	5%	
Procurement from Designated Group	Target	Tenderer’s Proposal					
Procurement from black owned entities	5%						

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	<b>Skill Type / Occupation</b>	<b>Eskom's Target</b>	<b>Tenderer's Proposal</b>
	Candidate with at least N3 Electrical Engineering	1	
<p>The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills.</p> <p>Note: That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The 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.</p> <p><b>3.3 Jobs</b></p> <p>Tenderers will be required report on the number of jobs that were created and retained in South Africa as a direct result of being awarded this contract.</p> <p><b>SDL&amp;I Penalty and Performance Security</b></p> <p><b>Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&amp;I obligations.</b></p> <p>Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&amp;I obligations.</p> <p>For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&amp;I Obligations. The retained amounts shall only be released to the Contractor upon:</p> <ul style="list-style-type: none"> <li>Eskom receives the SDL&amp;I progress report/s from the contractor.</li> <li>Fulfilment of all SDL&amp;I obligations by the contractor.</li> <li>Submission of an approved compliance report by SDL&amp;I Department.</li> </ul> <p><b>Reporting and Monitoring</b></p> <p><b>The suppliers shall on a bi-annual basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&amp;I obligations described above.</b></p>			


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Clause Number from Standard Conditions of Tender	Tender Data
	<ul style="list-style-type: none"> <li>Eskom shall review the SDL&amp;I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&amp;I obligations have not been met.</li> <li>Upon notification by Eskom that the suppliers have not met their SDL&amp;I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&amp;I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.</li> <li>Every contract shall be accompanied by the SDL&amp;I Implementation Schedule, which must be completed by the suppliers and returned to SDL&amp;I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&amp;I commitments</li> </ul>
3.24 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the <b>NEC 3 Term Services Contract</b>
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are <b>not applicable</b>
2.29 Contract Skills Development Goals (CSDG) is	Not applicable
2.30 Contract Participation Goals is	Not applicable

**Please note:**

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

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

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

**Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations should the tendered prices not be 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 its tender documents.

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

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

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

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## 1.2 TENDER RETURNABLES

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

### NOTE THE FOLLOWING: -

#### \* Returnables required at Tender closing (disqualifiable): -

These returnables 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 tenderer will be disqualified.

#### \*\* Returnable required at Tender closing (non-disqualifiable): -

These returnables are 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, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

#### # Returnables required at Tender Closing date and time for evaluation: -


These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will 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.	Returnable required at Tender closing (will not be but score zero) # disqualified
<b>Basic Compliance</b>	1 original tender plus 1 additional complete hard copy of the original tender • A tenderer is required to submit an original tender in hard (paper) copy and one complete copy of the original, also in hard (paper) copy	√			
<b>Non-Disclosure agreement (NDA)</b>	Submit completed and signed Non-Disclosure agreement (NDA).		√		
<b>Annexure A</b>	Authorisation Form		√		
<b>Annexure B</b>	Acknowledgement Form		√		
<b>Annexure C</b>	Tenderers Particulars		√		
<b>Annexure D</b>	Integrity Pact Declaration form		√		
<b>Annexure E</b>	CPA for local goods/services (Acceptance of the CPA conditions as stipulated in the tender document. Where CPA conditions are not accepted with the tender, the prices will be deemed fixed for the duration of the contract period)	√			
<b>Annexure G1-G4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4 <i>[only applicable where designated materials are included]</i>			√	
<b>Annexure F</b>	CPA(IG) for imported goods/services (if applicable)	Not applicable			
<b>Annexure H</b> (applicable for all suppliers)	SBD 1- to be completed and submitted by all tenderers.		√		

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including Foreign suppliers)					
# Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations				√
Annexure J	SBD 4 – Bidders Disclosure		√		
Additional Documents required in the event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√		
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√		
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			√	
# Specific Goals	A tenderer's failure to submit proof that it meets the <b>specific goals</b> will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.				√
Tax Clearance Certificates	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South			√	

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	Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.				
<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>NEC 3 TSC Documentation</b>	Acceptance of the rates as included in the price list of the NEC3 Term Services Contract PART 2: C2.2 - Confirm the acceptance of the rates by signing the pricing data as included on the NEC3 Term Services Contract (TSC).	√			
<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE [applicable to all tenders]</b>					

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<b>Mandatory Contractual Requirement</b>	Proof of valid and current CSD Registration (CSD number/CSD Report)			√	
<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE and as stipulated under tender Data]</b>					
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)			√	
<b>Quality documents as required per scope of works</b>	Refer to page 16 - 17 of this invitation			√	
<b>Safety documents as required per scope of works</b>	Refer to page 18 - 20 of this invitation			√	
<b>Environmental documents as required per scope of works</b>	Refer to page 15 - 16 of this invitation			√	
<b>Due Diligence/ financial analysis</b>	The analysis of a supplier's financial statements is not a criteria for the purposes of the scoring and awarding of points, or the determination of competitive ranking but to determine if the supplier is financially stable enough to execute a contract of	Financial analysis is not applicable on this tender. The task orders will be issued on an "as and when" required basis			

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	the magnitude to be awarded, and if not, the risk to Eskom				
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>				
Technical (required functionality scoring) for	Refer to page 9 - 10 of this invitation as well as detailed functionality evaluation Criteria attached separately as <b>Appendix R</b>	√			

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## **ANNEXURE A**

### **AUTHORISATION FORM**

Indicate the status of the *tenderer* by ticking the appropriate box below.

<b>A COMPANY</b>	<b>B CLOSE CORPORATION</b>	<b>C PARTNERSHIP</b>	<b>D JOINT VENTURE</b>	<b>E SOLE PROPRIETOR</b>	<b>F TRUST</b>

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

#### **A. Certificate for company**

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of directors of \_\_\_\_\_, hereby confirm that by resolution of the board taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. A certified copy of the resolution of the board is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

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### B. Certificate for close corporation

I, \_\_\_\_\_, in my capacity as member of \_\_\_\_\_, hereby confirm that by majority vote of the members taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. A certified copy of the members' resolution is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

### C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as \_\_\_\_\_ hereby authorise Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, to submit this tender on behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

Name	Address	Signature	Date

**NOTE: This certificate is required to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.**

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#### D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms \_\_\_\_\_, an authorised signatory of \_\_\_\_\_, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture.

We attach to this Form a certified copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates which member will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead member		
Member		
Member		
Member		

**NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.**

#### E. Certificate for sole proprietor

I, \_\_\_\_\_, hereby confirm that I am the sole proprietor of the business trading as \_\_\_\_\_

<b>Signed:</b>	<b>Date:</b>
----------------	--------------

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<b>Name:</b>	<b>Position:</b> (Sole Proprietor)
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#### F. Certificate for trust

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of trustees of \_\_\_\_\_, hereby confirm that by resolution of the board of trustees taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the trust and to sign all documents in connection with this tender and any contract that may result from it on behalf of the trust. A certified copy of the resolution of the board of trustees is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

**NOTE:** The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Designation and capacity:</b>	
<b>Signature of authorised signatory</b>	
<b>Date of signature:</b>	

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## **ANNEXURE B**

### **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 RFP 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 Invitation to Tender ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender in a previous contract/order [**insert previous contract/order number**] ☐ \_\_\_\_\_
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder: ☐

---



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4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [**delete whichever is not applicable**] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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Invitation to Tender No: **LP00211AR**

Name of Tenderer: \_\_\_\_\_

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

Full names of contact person: \_\_\_\_\_

Contact details:

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## **ANNEXURE C**

### **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 individual companies and each JV member) or trust number.	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each 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 in the case of a JV)	

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	

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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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury\_\_\_\_\_
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
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 E-filing system, please provide your PIN number in order to verify your tax compliance 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 E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

7. If sub-contracting is prescribed in the Invitation to Tender , tenderers must complete 7.1 to 7.9.

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7.1 Confirm if you intend sub-contracting

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

7.2 What percentage will you be sub-contracting? \_\_\_\_\_%

7.3 To whom do you intend sub-contracting? \_\_\_\_\_

7.4 Is the said sub-contractor registered on CSD?

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

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

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

7.7 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).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

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

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

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	

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<b>Date:</b>	
--------------	--

## **ANNEXURE D**

### **INTEGRITY DECLARATION FORM**

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

#### **1 DECLARATION OF INTEREST**

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where: -

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

#### **Related:**

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-
  - (i) are married, or live together in a relationship similar to a marriage; or
  - (ii) are separated by no more than two degrees of natural or adopted consanguinity or

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affinity;

- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
  - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
  - (ii) either is a subsidiary of the other; or
  - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

#### **Control:**


- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
  - (a) in the case of a juristic person that is a company-
    - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act<sup>1</sup>; or
    - (ii) that first person together with any related or inter-related person, is-
      - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or
      - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

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- (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;
- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

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

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 an employee/consultant/ contractor and/or director of a State/State owned entity.	Full Names & Capacity/Position of Eskom employee/ consultant/contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the specification/ evaluation/ adjudication/ negotiation of tenders?

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. \_\_\_\_\_  
[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? \_\_\_\_\_(  
[Yes/No]

If Yes, attach proof. to this declaration

## 2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

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

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector.  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> ).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)  The 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> ).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		

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### 3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

I, the undersigned \_\_\_\_\_ [Full names and 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 / Beneficiaries in \_\_\_\_\_ [Name of Tenderer]:

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage / Beneficiary Share

#### Other Entities\*:

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

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I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

### Joint Ventures

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 purposes 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>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## **ANNEXURE E - APPLICABLE**

### **CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.**

#### **The application of contract price adjustment (CPA) to tender submissions**

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### **1. Application of CPA**

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- 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.

#### **Contract Price Adjustment (CPA)**

The standardised rates will be fixed for 12 months and thereafter the rates will increase in accordance with SEIFSA indicated below, base date June 2024.

#### **2. Tender Submissions**

#### **Eskom Proposed CPA breakdown**


Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index as published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	15%	SEIFSA Table L-2(A), Road freight Costs	Transportation	SEIFSA	3 months before	

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					tender closes		
A2	10%	Table C3A (all hourly paid employee)	Actual labour cost	SEIFSA	3 months before tender closes		
A3	30%	Table F (Copper RCP, Metric Ton)	Material	SEIFSA	3 months before tender closes		
A4	15%	Table J-3(A), Transformer oil	Material	SEIFSA	3 months before tender closes		
A5	15%	Table J-3(A), Insulation	Material	SEIFSA	3 months before tender closes		
	15%	Fixed portion not subject to CPA					
Total							100 %

### Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.

**Note:** Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

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### 3. **BASE DATE AND BASE PRICE**

- In instances of indices or other references published monthly, the Base Date is to be the 3 months before tender closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

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**ANNEXURE G1 - APPLICABLE TO THIS TENDER - ATTACHED SEPARATELY**

SBD 6.2

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## ANNEXURE H

SBD 1

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	<b>LP00211AR</b>	CLOSING DATE:	<b>20 June 2025</b>	CLOSING TIME:	<b>10h00am</b>
DESCRIPTION	Full rewinding and testing of transformers and NECRTs in Limlanga Cluster (500Kva, 750Kva, 1000Kva, 1250kVA, 1600Kva, 2000Kva, 2500Kva, 3150kVA, 3500kVA, 4000Kva and 5000Kva) and NECRTs from 6,6kV, 11Kv, 22Kv, 33Kv and 44Kv and provide for auxiliary box, 24 way module, 12 way module, nameplate, LED light and heater on an "as and when required" basis over period of 5 years.				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>Eskom Holding SOC Ltd</b> <b>The Tender Office</b> <b>Limlanga Cluster -Limpopo</b> <b>Millennium Building</b> <b>90 Hans Van Rensburg Street</b> <b>Polokwane</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	<b>Anastacia Raphasha</b>		CONTACT PERSON	<b>Anastacia Raphasha</b>	
TELEPHONE NUMBER	<b>011 800 5085</b>		TELEPHONE NUMBER	<b>011 800 5085</b>	
FACSIMILE NUMBER	<b>Not applicable</b>		FACSIMILE NUMBER	<b>Not applicable</b>	
E-MAIL ADDRESS	<b>RaphasAM@eskom.co.za</b>		E-MAIL ADDRESS	<b>RaphasAM@eskom.co.za</b>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
--	--	---	--

#### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>	

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

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## **ANNEXURE I**

### **SBD 6.1**

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

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

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

#### **1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to invitations to tender:

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

#### **1.2 To be completed by the organ of state**

- a) 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.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

#### **1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

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preference points for specific goals are not claimed.

- 1.6 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.

## 2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS


- 4.1. 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

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as may be supported by proof/ documentation stated in the conditions of this tender:

- 4.2. 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—
- (a) 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
  - (b) 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 preference point system.)***

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....


4.4. Company registration number: .....

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4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. 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:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) 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 –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the 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
  - (e) forward the matter for criminal prosecution, if deemed necessary.

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.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

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## **ANNEXURE J**

### **SBD 4**

## **TENDERER'S DISCLOSURE**

### **1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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 tender process.

### **2. TENDERER'S DECLARATION**

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

Full Name	Identity Number	Name of State Institution

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2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

**[YES/NO]**

If so, furnish particulars:

.....  
.....

2.3 Does the tenderer 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]**

If so, furnish particulars:

.....  
.....

### 3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

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- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER 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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