

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	16
		<b>Effective Date</b>	February 2023		
		<b>Review Date</b>	February 2028		

**ESKOM HOLDINGS SOC LTD.**

**INVITATION TO TENDER**


**FOR**

**Inspection and treatment of wooden poles in Eskom Distribution Network, on an as-and-when required basis for a period of 3 years in Gauteng Cluster.**

<b>Tender number</b>	<b>MWP2213DX</b>
<b>Issue date</b>	<b>16 October 2023</b>
<b>Closing date and time</b>	<b>11 November 2023</b>
<b>Tender validity period</b>	<b>120 days from the closing date and time</b>
<b>Clarification meeting</b>	<p><b>Due to Covid-19 pandemic a Non-Compulsory Clarification Meeting will be held via Ms Teams.</b></p> <p><b>See item 2.16 for more details</b></p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p><b>The Tender Office</b>  <b>Megawatt Park Tender Office - Northside</b>  <b>No. 01 Maxwell Drive</b>  <b>Sunninghill</b>  <b>Gauteng</b></p>

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Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for Inspection and treatment of wooden poles, on an as-and-when required basis for a period of three (3) years in Gauteng Cluster

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

- Free of charge

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

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

Yours faithfully




Salibona kutumela  
Procurement Manager: Procurement  
Distribution Gauteng Cluster

Date: 17/ 10 /2023

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

Number	Description	Annexures attached	Attached (Y/ N/ N/A)
1.1.1	*Acknowledgement Form	Annexure A	Y
1.1.2	*Tenderer's Particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	SBD 6.2 – Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included)	Annexure F1	Y
1.1.7	*SBD 1 – Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1 – Preference Points Claim Form in terms of PPPFA 2022 Regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidder's Disclosure	Annexure I	Y
1.1.10	Technical / Functionality Requirements	Annexure J	Y (Separately)
1.1.11	BOQ	Annexure K	Y (Separately)
1.1.12	Safety Requirements	Annexure D	Y (Separately)
1.1.13	Quality Requirements	Annexure F	Y (Separately)
1.1.14	Environmental Requirements	Annexure E	Y (Separately)
1.1.16	NEC3 Engineering & Construction Short Contract	Annexure O	Y (Separately)
1.1.17	Supplier Development, Localisation & Industrialisation (SDL&I) Undertaking	Annexure M	Y (Separately)

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two (2) 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>Gontse Novela</b>  E-mail: <a href="mailto:Musisg@eskom.co.za">Musisg@eskom.co.za</a></p>
1.3 Enquiry documents	<p>Invitation to tender number is: <b>MWP2213DX</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is</p> <ol style="list-style-type: none"> <li>An open Invitation to tender</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p> <p><b>Do not make any changes to the price list</b>  <b>If all not all line items are quoted, Eskom reserves the right to use the highest price tendered for evaluation purposes.</b>  <b>Failure to meet the requirements above will render the tender to be non-responsive</b>  <b>Price list to be signed</b></p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State-Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if:</p> <ol style="list-style-type: none"> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the</li> </ol>

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	<p>determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</p> <ol style="list-style-type: none"> <li>3. Tenderers submit more than one (1) proposal either individually or as a partner in a joint venture (JV) or consortium.</li> <li>4. Proposals submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>5. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tender process, if: <ul style="list-style-type: none"> <li>• they have a controlling partner/majority shareholder in common; or</li> <li>• 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 proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <li>6. Tenders signed by non-authorized persons</li> <li>7. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>8. Any tenderer that is restricted by National Treasury</li> <li>9. Any tenderer on the Tender Defaulters list.</li> <li>10. A tenderer that sub-contracts 100% Scope of Work.</li> </ol> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for <b>tender</b> submission is:</p> <p><b>Date: 11 November 2023</b>  <b>Time: 10:00</b>  <b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE</b>  <b>Megawatt Park Tender Office - Northside</b>  <b>No. 01 Maxwell Drive</b>  <b>Sunninghill</b>  <b>Gauteng</b></p>

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2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) exact <b>hard copy</b> of the original tender at tender submission deadline. Eskom also prefers that one (1) additional complete soft copy of the original tender be submitted.</p> <p>It is requested that the tenderer submit the tender document in different sections and <b>NOT</b> in one file:</p> <p>The tender to be submitted in the following sections:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> SDL&amp;I and Commercial documents (1)</li> <li><input type="checkbox"/> Technical documents (2)</li> <li><input type="checkbox"/> Safety, Health, Environmental documents (3)</li> </ul> <p>Each section to be bound or put into a separate file. Do not submit loose pages.</p> <p><b>Therefore, a total of 10 files (3 originals and 3 complete copies)</b></p> <p>Each section to be bound or put into a separate file. Do not submit loose pages.</p> <p>Where a Tenderer does not submit one (1) exact hard copy of the original tender at tender submission deadline, the tenderer will be disqualified. The tenderer will not be permitted to provide the required copies after the deadline for tender submission have passed and the soft copy will not be replacing the hard copy.</p> <p><b>Note:</b> Tender evaluations will be based on the copy submitted. Therefore, it is the Tenderer's responsibility to ensure that the copy is exactly identical to the original and Eskom will not accept any liability if it conducts evaluations on an incomplete copy submitted by the Tenderer.</p>
2.13 Tender Validity Period	The tender validity period is <b>120 days</b>
2.16 Site Clarification Meeting	<p>A <b>non-compulsory site clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>A <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>01 November 2023</b></p> <p>Time: 10:00am</p> <p>Venue: <b>Via Microsoft Team Link</b></p>

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	<p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</p> <p><b>A site clarification will also be communicated, if they are a need.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries is <b>2023 at 10h00 SAST (GMT+2)</b> , which is <b>ten (10)</b> working days before the deadline for tender submission.
2.23 Alternative tenders (proposals)	Alternative tenders are <b>not allowed</b>
2.31 Provision of security for performance	<p>Due diligence will be done through a review of financial viability, and should the tenderer be found financially not viable, security for performance will required as risk mitigating factors. The names of two (2) financial institutions that the tenderer will approach must be submitted during the review of financial viability.</p> <p>The following bonds will be required for this enquiry as part of the risk mitigating:</p> <ol style="list-style-type: none"> <li>1. Parent Company Guarantee (PCG) by the holding company; or</li> <li>2. Performance Bond from their bank - Please note that the PCG and the Performance Bond should be on an Eskom Legal approved template.</li> <li>3. If it happens that the entity does not have a holding company and/or the bank cannot provide the Performance Bond, the owners of the entity should provide their tax returns for the past five (5) years plus personal financial position.</li> </ol> <p>If the risks cannot be mitigated to ensure performance against the contract, the contract may be awarded to another supplier, which may not be the highest ranked supplier if offering market-related prices.</p> <p><b>Not Applicable.</b></p>
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Prices <b>will not be read out.</b>

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3.9 Basic Compliance	<b>1. Tender Submission</b> <ul style="list-style-type: none"> <li>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness.</li> <li>The tenderer shall submit one (1) original tender, plus <b>one (1) exact</b> copy of the original tender. Where a Tenderer does not submit a complete copy of the original tender, the tenderer will be disqualified. The tenderer will not be permitted to provide the required copies after the deadline for tender submission have passed Submit a complete original tender with commercial, financial and technical information</li> <li>Central Supplier Database (CSD) number (MAA.....)</li> </ul>
3.10 Mandatory tender returnables	<ul style="list-style-type: none"> <li>Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>Acceptance of rates</li> </ul> <p>A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable Section of the respective Invitation to Tender; will be deemed non-responsive.</p>
3.13 Functionality requirements	<p>Functionality requirements <b>are applicable</b>.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Eskom procurement representative will arrange a scheduled assessment with the tenderer that has qualified for equipment and vehicle assessment. At the arranged Eskom premises, the Eskom assessment representative(s) will conduct the assessment using Annexure B of this document.</p> <p>This evaluation exercise is performed by the Eskom evaluating representatives. This part of the evaluation starts when submissions are opened for the first time. The technical desktop evaluation will be evaluated as follows: the mandatory criteria and then proceeds to functional criteria as outlined in Annex A.</p> <p>The Eskom assessment representatives will go through the details of the returnable submissions that are required and will ensure that mandatory / gatekeeper qualification criteria are met.</p>

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	<p>Only submissions that pass all mandatory / gatekeeper requirements will proceed to the functional criteria evaluation phase. Scoring for functional criteria will be assessed out of 100 points. A minimum final score of 80% will have to be met before proceeding to the next stage.</p> <p>Annex B will be scored out of 100 points with the minimum passing score being 80%. The tenderer that scores less than 80% will not be evaluated further. The tenderer that meets the minimum threshold of 80% will be evaluated further. However, the tenderer that scores 80% or above will be given a formal notice and thereafter a period of thirty days to correct all shortcomings that are required to get them to a 100%. If the shortcomings are not corrected within the given time, then the tenderer will be disqualified. This means that any shortcomings need to be rectified prior to contract award.</p> <p><i>Annex B of this document will be used to assess vehicles and equipment</i></p> <p>Equipment and Tools list (presented in Annex C) is part of the tender returnable and will be used for the desktop evaluations.</p> <p>Functionality will be evaluated on a total weight of 100% with a minimum threshold of <b>80%</b>. The following is an overview of the functionality criteria:</p> <table><tr><th>Functionality Criteria</th><th>Weighting</th><th>Minimum Threshold</th></tr><tr><td>Technical</td><td>100%</td><td>80%</td></tr></table> <p><b>Refer to Annexure C. of this report for a further breakdown of the Functionality criteria.</b></p> <p>Failure by the tenderer to meet minimum threshold on functionality (technical) will lead to immediate disqualification.</p>	Functionality Criteria	Weighting	Minimum Threshold	Technical	100%	80%
Functionality Criteria	Weighting	Minimum Threshold					
Technical	100%	80%					
3.15 Evaluation of price	<p>Pricing: Tenderer is not, under any circumstances, allowed to deviate from the required stipulated format for the provision of pricing.</p> <p>Acceptance of rates</p> <p>Preference analysis will be applied as follow:</p> <ul style="list-style-type: none"><li>• The PPPFA preference point system – 80/20 (for estimated values of up to R50M inclusive of VAT) will apply to the acquisition of this service based on the estimated budget.</li></ul>						

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- as standard rates are applicable, and it is a mandatory requirement for contractors to accept these rates all contractors that qualify will be awarded 80 points;
- contractors will then receive the points for B-BBEE
- If a tenderer fails to submit proof of B-BBEE status level the tender will not be disqualified, but tenderer:
- May only score points out of 80 for price; and
- Scores 0 points out of 20 for B-BBEE

### 3.17 Evaluation of Specific Goals

#### Allocation of preference points (20)

Preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:  
The following specific goals score card applies:


B-BBEE Status Level of Contributor	Number of points allocated (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

To claim preference points, a tenderer must submit the proof of B-BBEE status level of contributor (e.g. a valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit)

Failure on the part of a supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.

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	<p>A tenderer may not be awarded points for specific goals if the tender documents indicate that the tenderer intends to subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that can execute the subcontract.</p> <p><b>Note:</b></p> <p><b>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</b></p>												
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:</p> <ul style="list-style-type: none"><li>• <b>80/20 for tender with rand value of up to R50 million.</b></li></ul> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p>												
3.19 Objective Criteria	<p><b>Section 1: Objective criteria</b></p> <p>The inclusion of objective criteria in an enquiry is not mandatory but a condition for contract award, and if included, this must align with the requirements of the PPPFA [clause 2(1)(f)] and be clearly stated in the enquiry together with the consequence of such objective criteria (i.e., if the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award).</p> <p><b>2.1 Designated Sectors</b></p> <table><tr><td colspan="2">When applicate the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer</td></tr><tr><td></td><td><table><tr><td>YES</td><td>NO</td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table></td></tr><tr><td>a) Is this Commodity or part of it a Designated Sector?</td><td><table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table></td></tr></table>	When applicate the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer			<table><tr><td>YES</td><td>NO</td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	YES	NO	<input type="checkbox"/>	<input type="checkbox"/>	a) Is this Commodity or part of it a Designated Sector?	<table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>
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Please indicate below Designated Components

Designated material threshold **is applicable**.

The following materials are identified as designated materials and the meet in order to be evaluated further:

Description	Designated %	Proposed by tenderer
Wooden or fabricated steel furniture / frames	100%	

**NOTE 1:** SBD 6.2 Declaration Form and Annexure C (Local Content Declaration-Summary Schedule) is therefore a tender returnable.

### 2.1.2 Designated sectors

The proposed threshold for local content as proposed on Section 2 Designated Sector.

**Note: For this section (Special Conditions of Tendering) the following documents should also be completed and signed:**

completed and duly signed SBD 6.2 – Local Content Declaration Certificate  
completed and duly signed Annexure C, D and E.  
completed and duly signed Preference Point Claim Form.

### Section 3: SD&L Undertaking


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

#### Enterprise Development

The main contractor will be required to propose development in the following areas:

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	<table><tr><th>Support Description</th><th>Tenderer Proposal</th></tr><tr><td><p>The successful tenderer is required to identify and incubate an SME from the designated groups in one or more of the areas to be sub-contracted.</p><p>Assistance could be in the form of business support, equipment and/or finance.</p><p>The successful tenderer will be required to draft an Enterprise Development program and agreement within eight weeks of contract award. The ED agreement must be signed with the beneficiary and sent to Eskom for review and acceptance. The accepted ED program will be monitored throughout the duration of the contract.</p><p>An accredited BBBEE or Sworn Affidavit should be submitted on contract award and execution plan is required on contract award.</p></td><td></td></tr></table>	Support Description	Tenderer Proposal	<p>The successful tenderer is required to identify and incubate an SME from the designated groups in one or more of the areas to be sub-contracted.</p> <p>Assistance could be in the form of business support, equipment and/or finance.</p> <p>The successful tenderer will be required to draft an Enterprise Development program and agreement within eight weeks of contract award. The ED agreement must be signed with the beneficiary and sent to Eskom for review and acceptance. The accepted ED program will be monitored throughout the duration of the contract.</p> <p>An accredited BBBEE or Sworn Affidavit should be submitted on contract award and execution plan is required on contract award.</p>		
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	<p><u>Job Opportunities</u></p> <p>Tenderer to indicate number of Jobs to be created and/or retained from this contract:</p> <table><tr><th>Number of Jobs to be created</th><th>Number of Jobs to be retained</th></tr><tr><td></td><td></td></tr></table>	Number of Jobs to be created	Number of Jobs to be retained			
Number of Jobs to be created	Number of Jobs to be retained					
	<p><u>Skills Development</u></p> <p>Successful supplier will be obligated to train 1 candidate for every R2 Million cumulated through task order awarded to the supplier; this obligation will be for the duration of the contract. The duration of the task order will not be linked with the supplier's obligation to train; therefore, the supplier will have to ensure that the skills committed are successfully achieved by the end of the contract period. Skills candidates shall be sourced from previously</p>					

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disadvantage groups in South Africa. The purpose is to provide these candidates with skills and workplace experience in order to increase the opportunity for them to be employable within the industry. The supplier may develop the candidates directly, through their supply network or through the SETA accredited training providers.

Skills development candidates should be currently unemployed graduates from FET Colleges and universities and/or matriculants. The composition of the candidates shall be representative of the population demographics of South Africa. The supplier will be provided with the list of skills as per respective discipline to choose from, this will mean this supplier will train candidate with skill type that is relevant to their area of expertise.

The following skills development targets will be a mandatory contractual obligation, apportioned in accordance with the contract value per supplier:

Skills Type	Number of learners	Outcome
Environmental officer	6	Certificate of completion
Safety Officer	6	Certificate of completion
Project Manager	6	
<b>Total</b>	<b>4</b>	


**NOTE 2:** Joint Ventures can only submit a Consolidated, Valid and Certified Copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agency specific for this tender. (If applicable)

In addition, the following documents should be submitted

- Tenderers shall submit certified copies of CIPC registration documents;
- Certified Identity Document(s) of Company Shareholders or Members;

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	<ul style="list-style-type: none"> <li>• Certified copy of Shareholders certificate [for Pty (Ltd) entities].</li> </ul> <p><b>Note: Subcontracting may form part of the contractual obligation if applicable.</b></p> <p>The tenderer is required to subcontract a minimum of 30% of the scope of work to one or more of the following designated groups:</p> <ol style="list-style-type: none"> <li>an EME or QSE which is at least 51% owned by black people who are youth;</li> <li>an EME or QSE which is at least 51% owned by black people who are women;</li> <li>an EME or QSE which is at least 51% owned by black people with disabilities;</li> <li>an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships;</li> <li>a cooperative which is at least 51% owned by black people.</li> </ol> <p><b>Eskom prefers to contract with but is not limited to compliant BBEEE level 1-4 contractors. Any tenderer who does not comply with this criterion should provide a migration plan that will form part of the contractual obligation. The terms and conditions will be negotiated ad agreed prior to contract award. The migration plan will be accepted based on partial fulfillment or as a whole depending on the time period allocated for the transaction/s.</b></p> <p><b>Where there is a partial acceptance of a migration plan, should the same tenderer be awarded further contracts with Eskom the agreed migration plan must be shared with Eskom officials responsible for the tender for continued compliance monitoring.</b></p> <p><b>Section 5: SDL&amp;I Penalty</b></p> <p>Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&amp;I obligations.</p>
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For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.

Alternatively, the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.

### **Section 6: Reporting & Monitoring**

The suppliers shall on a monthly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.

Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.

Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.

Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments

3.20 Reverse e-auction (if applicable)

Reverse e-auction **is not applicable**.

**Please note:-**


**The Tenderers will be required to submit a complete tender with prices.**

**Please note:-**

**Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most**

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	<p>competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>
Contractual Requirements	<p>Contractual requirements may include the following:</p> <ul style="list-style-type: none"> <li>• <b>Safety Requirements:</b> Refer to <b>Annexure D</b> attached separately.</li> <li>• <b>Quality Requirements:</b> Refer to <b>Annexure F</b> attached separately.</li> <li>• <b>Environmental Requirements:</b> Refer to <b>Annexure E</b> attached separately.</li> <li>• <b>SDL&amp;I Requirements:</b> Refer to <b>Annexure M</b> attached separately.</li> </ul> <p><b>Please Note:</b> Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p>
2.25 Contractual Condition	The conditions of contract will be the <b>NEC3 Term Service Contract (TSC)</b> attached separately as <b>Annexure O.</b>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements 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 deemed market-related.**

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

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

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

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

### 1.3 TENDER RETURNABLES


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

#### **NOTE:**

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (1) hard copy of the tender and exact copy of the original	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration Form		✓	
<b>Annexure D</b>	CPA for Local Goods/Services (if applicable)			
<b>Annexure E</b>	CPA(IG) for Imported Goods/Services (if applicable)			
<b>Annexure F1-F4</b>	SBD 6.2 – Declaration Certificate for Local Production and Content and Annexures C & D (applicable for designated materials)		✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1 – to be completed and submitted by all tenderers.			✓
<b># Annexure H</b>	SBD 6.1 – Preference Points Claim Form in terms of PPPFA 2022 Regulations		✓	
<b>Annexure I</b>	SBD 4 – Bidder's Disclosure		✓	
<b>Additional Documents required in event of JV:</b>	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.		✓	
	<b># Proof of compliance to the stipulated Specific Goals - proof of B-BBEE status level of contributor</b>			
	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.			✓
<b># Specific Goals - proof of B-BBEE</b>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” for purposes of evaluation and scoring			

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<b>status level of contributor</b>	by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive / acceptable in all other aspects). The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).  Foreign suppliers with no footprint in South Africa, must still complete the SBD-1 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>CIDB 1GB and higher</b>	Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	<b>N/A</b>		
<b>NEC3 Term Service Contract Documentation</b>	<ul style="list-style-type: none"> <li>Completed NEC Term Services Contract pricing schedule and contract data.</li> </ul> <b>Refer to <a href="#">Annexure O attached separately.</a></b>		✓	
<b>Subcontracting</b>	<ul style="list-style-type: none"> <li>Proof of Signed Sub-contracting Intent Agreement / Signed Sub-contracting Agreement between the main contractor and sub-contractor/s</li> <li>CSD Report of Sub-contractor/s</li> <li>Subcontractor/s' B-BBEE Certificate / Sworn Affidavit</li> </ul>			✓
<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>				
<b>Safety</b>	Safety documents as required per scope of works including COIDA – Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South			✓

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	African tenderers only). Refer to <b>Annexure D</b> attached separately.			
<b>Quality</b>	Documents that may be required per scope of work. Refer to <b>Annexure F</b> attached separately.			✓
<b>Environmental</b>	Documents that may be required per scope of work. Refer to <b>Annexure E</b> attached separately.			✓
<b>SDL&amp;I</b>	Supplier Development, Localisation & Industrialisation (SDL&I) Undertaking. Refer to <b>Annexure M</b> attached separately.			✓
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY / TECHNICAL CRITERIA</b>				
Technical (required for functionality scoring)	Refer to <b>Annexure J</b> attached separately.	✓		

## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

We are in receipt of the Proposal from Eskom Holdings SOC Ltd. and the following addenda issued by Eskom:


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

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

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

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### Cataloguing Acknowledgement:

1. We agree to provide the cataloguing information as described in the *tender submission*. ☐
2. We do not intend to provide the cataloguing information for the required scope / specifications for the reasons stated hereunder: ☐

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

Request for Proposal No: \_\_\_\_\_

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

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


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

Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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


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

Please complete the following:

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

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

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor Registration Number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State-owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_

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6. If you are required to be tax compliant as per SBD-1 but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

7. If sub-contracting is prescribed in the specific enquiry, you need to complete 7.1- 7.7

- 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 7.4, please provide CSD number. \_\_\_\_\_

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

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

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


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

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

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

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YES		NO	
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## 1. Single tenderers

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

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

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

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

## 2. Joint Ventures


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

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

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

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## ANNEXURE C INTEGRITY DECLARATION FORM

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


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

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

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

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accordance with the definition of “control” (as per Companies Act Section 2(1));

2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”.

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

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


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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation (Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration.  
\_\_\_\_\_
2. Do the tenderer/s and other tenderer in this *RFP* process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		
-----	---	--	--

### 3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage


#### Other Entities\*:

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

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

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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 correct, that it is understood that the tenderer's *proposal* may be rejected, and that Eskom will act against the tenderer should any aspect of this this declaration prove to be false, and

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

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

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

#### Joint Ventures

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


I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the JV's proposal may be rejected, and that Eskom will act against the JV should any aspect of this declaration prove to be false; and I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

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

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

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

## **ANNEXURE D**

### **CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

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

*This Section will not be applicable to professional services contract.*

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

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

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

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

Tenderers shall comply with the following requirements:

###### **a. Main offer:**

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

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

**b. Additional/Alternative offer:**

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

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

Additional/Alternative Offers must be clearly indicated as such

**ESKOM'S PREFERRED INDEX LIST**

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

**3. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE**

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

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

**5 NUMBER OF FORMULAE & INDICES**

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

**6 CPA FIXED PORTION**

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

## 7 BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:  
*The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:  
*The average for the month before the month in which the Enquiry closes.*
- In this case, the following shall apply:
  - Where the average is published:  
*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment.*
  - Where a high, low and mean are published:  
*The mean*
  - Where other prices than the Cash Settlement or Cash Sellers Price are published:  
*The Cash Settlement or Cash Sellers Price*
  - Where applicable, these principles, must also apply for the CPA “cut-off” date.

## 8 CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer

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

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Labour	Commodities	Processed material	Transport	Others
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> <b>1.</b> Final Manufactured Goods  Or <b>2.</b> Intermediate Manufactured Goods OR <b>3.</b> SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	<b>Zinc</b> SEIFSA, F, zinc			
	<b>Lead</b> SEIFSA ,F, lead			

**Table 2: Preferred Foreign Index List**

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical	National Statistical Institute, Country-specific general	National Statistical Institute, Country-specific CPI (Headline)

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		engineering material	transport cost index	National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

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

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

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## **ANNEXURE F1**

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed by the dtic, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### **1. General Conditions**

- 1.1. dtic makes provision for the promotion of local production and content.
- 1.2. dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

- x is the imported content in Rand  
y is the bid price in Rand excluding value added tax (VAT)

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Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedtic.gov.za/sectors-and-services-2/industrial-development/> at no cost.

- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods	Stipulated minimum threshold	Tenderer's proposal
Wooden or fabricated steel furniture / frames	100%	
Electrical / Telecom Cables	90%	
Fasteners	100%	
Batteries	50%	
Steel Products and Components for Construction	100%	
Joining connecting components	100%	
Two-way radios	60%	
Plastic Pipes & Fittings	100%	
Assembly and testing of full built unit	100%	

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.


The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	

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Euro	
Yen	
Other	

**NB:** Bidders must submit proof of the SARB rate (s) of exchange used.

- Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dtic must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard.

### **LOCAL CONTENT DECLARATION**

**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):


.....  
NB

- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- Guidance on the Calculation of Local Content is accessible on <http://www.thedtic.gov.za/sectors-and-services-2/industrial-development/>
- Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.
- Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names), do hereby declare, in my capacity as ..... of .....(name of bidder entity), the following:

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- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_


**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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## ANNEXURE G

**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>MWP</b>	CLOSING DATE:	<b>2023</b>	CLOSING TIME:	<b>10H00 SAST (GMT+2)</b>
DESCRIPTION	<b>Inspection and treatment of wooden poles in Eskom Distribution Network, on an as-and-when required basis for a period of 3 years in Gauteng Cluster.</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

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

<b>THE TENDER OFFICE</b>					
<b>MEGAWATT PARK TENDER OFFICE – NORTHSIDE</b>					
<b>NO. 01 MAXWELL DRIVE</b>					
<b>SUNNINGHILL</b>					
<b>GAUTENG</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					
	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes  <input type="checkbox"/> No
IF YES, WHO WAS THE					

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CERTIFICATE ISSUED BY?			
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR NAME:	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>BID SUBMISSION:</b>	
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
3.	<b>BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</b>
4.	<b>WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</b>

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5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

#### **TAX COMPLIANCE REQUIREMENTS**

1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

#### **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**


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

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

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

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## ANNEXURE H

## SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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)


#### For this Request for Proposal

- The applicable preference point system for this tender is the 80/20 preference point system.
- Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
  - Price; and
  - Specific Goals.
- 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>

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

### 3. DEFINITIONS

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

### 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 1. POINTS AWARDED FOR PRICE

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

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

**80/20**


$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

$P_s$  = Points scored for price of tender under consideration

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Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 1. POINTS AWARDED FOR PRICE

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

**80/20**

$$P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 7. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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below.

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

B-BBEE Status Level of Contributor	Number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	
2	9	
3	6	
4	5	
5	4	
6	3	
7	2	
8	1	
Non-compliant contributor	0	


#### DECLARATION WITH REGARD TO COMPANY/FIRM

- Name of company/firm.....
- Company registration number: .....
- TYPE OF COMPANY/ FIRM
  - ☐ Partnership/Joint Venture / Consortium
  - ☐ One-person business/sole propriety
  - ☐ Close corporation
  - ☐ Public Company
  - ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company

[TICK APPLICABLE BOX]
- 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:
  - The information furnished is true and correct;
  - The preference points claimed are in accordance with the General Conditions as

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indicated in paragraph 1 of this form;

3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:

1. disqualify the person from the tendering process;
2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
5. forward the matter for criminal prosecution, if deemed necessary.

Annexu

BIDDER

1. PU

An

wit

Co

it is required for the bidder to make this declaration in respect of the details required hereunder.

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

## 2. BIDDER'S DECLARATION

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2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State Institution

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

2.2.1 If so, furnish particulars:

.....  
.....

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

If so, furnish particulars:


.....  
.....

### 3. DECLARATION

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

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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