ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

Supply, Deliver, Test, Commissionand Perform Training on Mechanical Equipment Items at Kusile Power Station.

Tender number	**MPKUS10940GX**
Issue date	**15 December 2023**
Closing date and time	**22 January 2024 at 10:00**
Tender validity period	**120 days from the closing date and time**
Clarification meeting	**Non-compulsory Clarification will be held on upon request:** **Date: 20 December 2023** **Time: 12:00 – 13:00** **Supplier to download Microsoft Teams or use a supported internet browser in order to be part of the clarification meeting. Send your email addresses, with company details, the enquiry number and tender description, 3 days before the date of the meeting, to the Eskom Representative: MsibiZP@eskom.co.za; for an appointment to be sent to you.** **Click on the link in the appointment to join the meeting**
Tenders are to be delivered to the following address on the stipulated closing date and time:	**Eskom Tender Box** **Ground Floor** **No. 10 Smuts Avenue** **Witbank/ Emalahleni** **Mpumalanga** **GPS Co-ordinates** **Latitude: 25.87723s** **Longitude: 29.21629E**

Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender of Supply, Deliver, Test, Commission and Perform Training on Mechanical Equipment Items at Kusile Power Station.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/proposal 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).

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

Yours faithfully

Procurement Manager

Matshidiso Kgafane

Date: 15 December 2023

The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		N/A
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	[To be obtained from SDL&I]	Y
6.11	Reverse e-auction training acknowledgement form (if applicable)	***[To be uploaded from Sharepoint]*** *https://commercial.eskom.co.za/Pages/Default.aspx*	Y

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
6.12	Reverse e-auction process (if applicable)	***[To be uploaded from Sharepoint]*** https://commercial.eskom.co.za/Pages/Default.aspx	Y

1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender is** not attached to the **Invitation to Tender** then the tenderers are required to download this from www.eskom.co.za. The **"Tender Data"** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The *Employer* is **Eskom Holdings SOC Ltd** The Eskom *Representative* is: Name: Zwelibanzi Msibi Tel: +2711 690 4333 E-mail: MsibiZP@eskom.co.za
1.3 Enquiry documents	The Invitation to tender /RFP number is: **MPKUS10940GX** See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender/RFP is: • An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the partial / whole of the contract.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the *eligibility criteria* stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies. Tenderers are deemed **ineligible** to submit a **tender** if

	• Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium • [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if : • (a)they have a controlling partner/majority shareholder in common; or • (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. **Ineligible tenderers will be disqualified.**
2.2 -2.5 Tender Closing	The deadline for Tender submission is: Date: **22 January 2024** Time **10H:00 AM** **Late Tenders will not be accepted.** Tenders are to be submitted to the Eskom *tender box* at the following physical address: **THE TENDER OFFICE** **Eskom Tender Box** **Ground Floor** **No. 10 Smuts Avenue** **Witbank/ Emalahleni**

	Mpumalanga
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) **hard copy** of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is **120** Days
2.16 Site/clarification meetings	A Non-compulsory Clarification meeting with representatives of the *Employer* will take place as follows: Date: **20 December 2024** Time: **12H:00 AM** Venue: **Microsoft Teams** Supplier to download Microsoft Teams or use a supported internet browser in order to be part of the clarification meeting. Send your email addresses, with company details, the enquiry number and tender description, 5 days before the date of the meeting, to the Eskom Representative: MsibiZP@eskom.co.za; for an appointment to be sent to you.
2.17 Clarification on enquiry documents	The tenderer will notify the *Employer* of any clarifications required before the closing time for clarification queries, which is **5** working days before the deadline for tender submission.
2.23 Alternative tenders	No alternative tenders will be accepted.
2.25 Conditions of contract	The conditions of contract will be the **NEC 3 Supply Contract** With the following conditions. **Main Option** X2 — Changes in the Law X7 — Delay Damages Z — Additional conditions of contract
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline; Tenders will be opened on: Place: **Eskom Tender Box** **Ground Floor** **No. 10 Smuts Avenue**

	Witbank/ Emalahleni **Mpumalanga** Date: **22 January 2024** Time: **10H:00 AM**
3.5 Prices to be read out	Prices will not be read out.
3.9 Basic Compliance	Basic compliance for this invitation to tender/ RFP are: 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA………)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.11 Pre-qualification criteria	Pre-qualification criteria not applicable
3.12 Designated materials and thresholds	Designated material threshold is applicable as follows If applicable, stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further. <table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>N/A</td><td>N/A</td><td>N/A</td></tr></table> **NOTE 1**: **Mandatory Returnables:** • (F1) - SBD 6.2 Declaration Form • (F4) - Annexure C (Local Content Declaration-Summary Schedule **Non Mandatory Returnables:** • (F3) - Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C • (F4) - Annexure E-Local Content Declaration- Supporting Schedule to Annexure C The DTI has appointed SABS as the official verification agency for local content in terms of designated products. **A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.**
3.13 Functionality requirements	Functionality requirements are applicable

	Below the invitation find detailed technical criteria The technical evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a total weight of 100% and a minimum threshold of 70%. Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further
3.14 Evaluation of price	Prices will be evaluated as follows: • exclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. • Prices will be scored out of 80 points
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20)
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- 1. 80/20 (for estimated values less than R50M inclusive of VAT) or state that either 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.

3.19 Objective Criteria (if applicable)	Objective criteria not applicable
3.20 Reverse e-auction (if applicable)	Reverse e-auction is applicable **Please note:-** **Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most 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.**
Contractual Requirements (if applicable)	Contractual Requirements may include the following : • SDL&I • Safety and Health • Quality • Environmental • Due Diligence Safety, Quality, Environmental and Due Diligence will be contractual requirements, which implies that documents are expected to be submitted with the tender, however the omitted SHEQ and Due Diligence information may be requested from those who were found responsive in the SDL&I, Commercial and Technical evaluation areas. 7 days from the communication will be provided to submit. When non-compliant, the tenderer will be disqualified. **Please Note:** **Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.** **Failure to meet "Contractual Requirements "by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.** **In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.**

CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements not applicable

Please note:

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

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

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

"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 Returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	One (1) hard copy of the tender	✓	
	CSD (MAAA) number	✓	
	Authority Form / Letter Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)	✓	
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars		✓
Annexure C **JV's to submit individually**	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services		✓
Annexure G (applicable for all suppliers including Foreign suppliers) **JV's to submit individually**	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Tax Clearance Certificates **JV's to submit individually**	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 (even those with no deemed footprint in South Africa) must still		✓

	complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers "no" to all questions. If they answer "yes" to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.		
Tax Evaluation Questionnaire (if services contract and was included as annexure) **JV's to submit individually**	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE**]**		✓
Compliance with Employment Equity Act **JV's to submit individually**	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)		✓
Shareholding **JV's to submit individually**	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
Due Diligence (if applicable) **JV's to submit individually**	Audited Financial Statements of the *tenderer* for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓
***"proof of B-BBEE status level of contributor" means:-**	Failure on the part of the supplier to submit **"proof of B-BBEE status level of contributor"** for purposes of evaluation and	✓	

Controlled Disclosure

(a) the B-BBEE status level certificate issued by an authorized 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;	scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.		
NEC Documentation	C1.1 Offer and Acceptance (no alternative offers after tender submission) Offer and acceptance to be signed with the total contract value included	✓	
	C1.2 Contract Data (Part Two – Data provided by the Contractor) Note: if the Direct Fee and Sub-Contractor Fee is not completed, Eskom's standard fee percentages of 10% for the Direct Fee and 10% for the Sub-Contractor Fee will apply.	✓	
	Price List Do not make any changes to the price list Price list to be signed Minimum of Payment/Wage Rate Must Be in Line With MEIBC Rates	✓	

TECHNICAL EVALUATION CRITERIA

	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
1.	1.1	The tenderer to submit fully completed annexure sheets confirming compliance/ non-compliance to the technical specifications. As part of the submission, the tenderer to also submit the accompanying Technical Data Sheets/Material Certificates of the equipment items.	• Completed annexure sheets • Manufacturer Technical Data Sheets/Material Certificates	5 = 100% - All annexure sheets fully completed. All Technical Data Sheets/Materials Certificates included in the submission 4 = 80% - 80-99% of Annexure & Technical Data Sheets submitted 2=40% - <80% of Annexure & Technical Data Sheets submitted 0 = 0% - No submission.	50%
2.	2.1	Tenderer to submit a letter from their letter head, declaring where they will source the equipment, for local technical support	Signed letters for all supplied items	5 = 100% - All letters submitted for goods supplied 4 = 80% - 50-99% of letters submitted for goods supplied 2 = 40% - 25-49% of letters submitted for goods supplied 0 = 0% - 0 No submission	20%

3	3.1	A warranty of a minimum of 12 months shall apply for all equipment items. The tenderer to submit a warranty certificate from the Original Equipment Manufacturer/Registered Manufacturer as part of the tender submission	Warranty certificate	5=100% - Warranty period 12 months and above 4=80% - Warranty period between 6 – 11 months 2=40% - Warranty period between 1 - 5 months 0=0% - No submission	10%
4	4.1	Tenderer to submit written confirmation of the estimated turnaround time to attend to equipment breakdowns during the warranty period, as per Scope of Work (section 9). Tenderer to also submit a confirmation letter indicating that replacement equipment will be supplied to the Employer, should repair works of defective items exceed 48 hours.	• Written confirmation letter stating turnaround time for addressing equipment breakdowns • Written confirmation letter indicating that the successful bidder shall supply a replacement unit of defective equipment should the repair works exceed 48 hours	5=100%- 2 of 2 of the confirmation letters submitted 4=80% - 1 of 2 of the confirmation letters submitted 0=0% - No submissions	10%

5.	5.1	The tenderer submits a list of traceable references and completion certificates or testimonials that adequately prove that the tenderer has completed three (3) or more contracts of similar works, successfully.	List of previously completed projects of similar scope with traceable references and completion certificates or testimonials	5 = 100% - 3 or more completed projects of similar scope. References and completion certificates or testimonials included 4 = 80% - 2 completed projects of similar scope. References and/or completion certificates/testimonials included 2 = 40% - 1 completed project of similar nature. References and/or completion certificates/testimonials included 0=0% No submission	10%

Section	CONTRACTUAL REQUIREMENTS: SHEQ Supplier Tender Submissions	Total		cor
1	Annexure B is the acknowledgement of **Eskom's OHS** legal and other requirements form signed and submitted by the tenderer.	20%		0%
2	**Health and Safety Plan** (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements	20%		0%
3	**<u>Costing for Health and Safety management</u>** Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum). The cost breakdown to indicate cost for each OHS e.g. PPE, medicals and training The costing must be based on the overall scope of work/service to be performed. The scope of work and the risk assessment may serve as a guideline	15%		0%
4	**Baseline OHS Risk Assessment (BRA)** Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA	15%		0%
5	**Valid Letter of Good Standing** (COIDA or equivalent)	10%		0%
6	**OHS policy signed by CEO** The submitted policy must comply to OHS Act Section 7	10%		0%
7	**OHS Competency** (Consider scope of work, risks, OHS plan and applicability) CVs and qualifications / certificates (Competencies for critical employees required e.g. 16.2)	10%		0%
Total	**100%**	**100%**		

QUALITY		
Category 3 The supplier shall submit objective evidence of a developed QMS that complies with ISO 9001 (or the latest applicable revision). The Contractor shall comply with the requirements of 240-105658000 "Supplier Quality Management: Specification". Compliance to Category 3	**Quality: General Requirements** The following requirements shall also be met for the entire duration of the contract. The standard 240-105658000, "Supplier Quality Management Specification (QM58)" shall be complied with.	Pre Award

requirements is mandatory. The following requirements shall also be met for the entire duration of the contract. The standard 240-105658000, “Supplier Quality Management Specification (QM58)” shall be complied with.	- The supplier shall complete and sign **Form A** (Enquiry/Contract/Quality Requirements for QM 58 and ISO 9001). - The supplier shall submit objective evidence of a developed QMS that complies with **ISO 9001** (or the latest applicable revision). The following documents (approved/signed copies) shall be submitted: - Quality management system manual or a document that have defines and describes the QMS and its scope - Quality Policy - Quality Objectives - Control of documented information - Records required by ISO 9001 standard (List of Records) - Internal audit procedure - Control of nonconformity output - Nonconformity and Corrective action procedure The QMS should drive all the supplier’s business management processes to ensure that all of Eskom’s requirements are fully met on a consistent basis. • The supplier shall submit a **draft contract quality plan** that is specific to the scope of work as described in the tender documents. The plan must address the minimum requirements as per ISO 10005. • Where applicable; the supplier shall submit an **example inspection and test plan (ITP) or quality control plan (QCP)**. The plan must address the minimum requirements as per ISO 10005 (if applicable). • The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services. • The supplier shall submit a copy of documented information for roles, responsibilities and authorities. • The Supplier shall submit a proposed Quality Table of Payments (Quality Payment Schedule) showing the relationships between BoQ/Activity Schedule Items, draft programme Items, Inspection & Test Plans/Quality Control Plans. Sign off by the Employer’s Quality department and proposed Payment Applications (Invoices) which will attest to the works having been done to required quality. This table must be finalised and approved by the Employer within 30 days of contract award. Note: specific requirements per tender will be selected using the List of Tender returnable document (240-12248652) • The Supplier shall comply with the Quality requirements as stated in 240-105658000 - Supplier Quality Management Specification. • Compliance with Category 3 quality requirements and all other relevant requirements is required • Compliance with all Eskom standards pertaining to this transaction and governance is essential for all aspects of the works including (if applicable) mechanical, C&I, civil, metallurgical, non-destructive testing, electrical, structural, administration and all other aspects.	

	Quality: Specific Requirements • An assessment/visit of the Suppliers facilities will be conducted if required by Eskom.	

ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

- If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom.________________
- If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____________
- 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.
- You may register online at National Treasury website on www.treasury.gov.za
- Alternatively, you may contact **[•]** ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
- If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status___________________
- If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that

you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

YES		NO	

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

1. 8.1 Confirm if you intend sub-contracting

YES		NO	

2. 8.2 What percentage will you be sub-contracting? _____%
3. 8.3 To whom do you intend sub-contracting? ________________________________
4. 8.4 Is the said sub-contractor registered on CSD?

YES		NO	

5. 8.5 If yes to 8.4, please provide CSD number.______________________________
6. 8.4 Please confirm B-BBEE level of said sub-contractor______________________

7. 8.5 Which designated group does the sub-contractor belong to:-
   1. Black people
   2. Black people who are youth
   3. Black people who are women
   4. Black people with disabilities
   5. Black people living in rural or underdeveloped areas or townships
   6. Cooperatives which are 51% owned by Black people
   7. Black people who are military veterans

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

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

YES		NO	

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

YES		NO	

- **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: __________________

- **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**

ANNEXURE C

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender/RFP returnable or as part of contract modification documentation)

1. DECLARATION OF INTEREST

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

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:-
    a. an individual is related to another individual of they are married, or live together in a relationship similar to marriage;
    b. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
    c. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of "control" (as per Companies Act section 2(1)) ; and

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

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

A. abused the institution's procurement process (e.g. bid rigging/collusion)
B. 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	No

1.1	Is the *tenderer/s(or any of its directors/members/shareholders)* listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector ***[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].*** The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the *tenderer/s (or any of its directors / members / shareholders)*? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the *tenderer/s* (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the *tenderer/s(or any of its directors/members/shareholders)* prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	*Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?*		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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

- **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.

- **TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- 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:

a) A fixed priced offer in addition to the fully CPA compliant main offer; or
b) 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.

- **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:

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

- **NUMBER OF FORMULAE & INDICES**

a) 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.

- **CPA FIXED PORTION**

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

- **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

1. In this case, the following shall apply:

    1. Where the average is published:

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

    2. Where a high, low and mean are published:

       The mean

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

       The Cash Settlement or Cash Sellers Price

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

- **CPA FOR PROFESSIONAL SERVICES**

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

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.
No fixed portion is mandatory.

Signed		Date	
Name		Position	
Tenderer			

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

Labour	Commodities	Processed material	Transport	Others

Labour general (hourly paid) SEIFSA, C3, actual labour cost	**Steel** StatsSA, P0142.1 Table 2, basic iron and steel	**Mechanical engineering material** SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 **CPI** (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	**Electrical engineering material** SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	**Aluminium** SEIFSA, R, aluminium			StasSA, PO142.1), **PPI** ▪ Final Manufactured Goods Or ▪ Intermediate Manufactured Goods OR ▪ SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc	**Building and construction material** SEIFSA, G, building and construction material		
	Lead 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 engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute,		

	LME, lead	Country-specific building and construction material		

Closing date of tender __________/__________/__________
TENDERER'S SIGNATURE ______________________________

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:
To a nominated bank account in a foreign country in a foreign currency
(payment will be made to the party and account nominated by the supplier
in the contract, and not to any other party);
Please note that the contracting party must be the direct importer of the goods
Applicable (Y / N)

Payment Method 1B;
To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).
Please note:

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

Applicable(Y/N) or

Payment Method 2:
In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.
Please note:

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

Applicable (Y/N)………..

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

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

Fixed ZAR pricing
The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

Applicable (Y/N)………..

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

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

PART 2: EXCHANGE RATES
The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)
Please note that the tenderer is required to submit proof of the SARB rate/s used.

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC
The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

	RATES/TARIFFS
Sea/Air Freight	

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

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

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

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

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

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

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

- MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

- EXPATRIATE LABOUR METHOD

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

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

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

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

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

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

1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.

2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.

3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.

4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.

5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.

6 Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.

7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender __________/__________/__________

TENDERER'S SIGNATURE ________________________________

ANNEXURE 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 in the Preferential Procurement Regulations, 2017, 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)].

- **General Conditions**

  - Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.

- Regulation 8.(2) 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.

- Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

- 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.

- 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)
  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.thedti.gov.za/industrial development/ip.jsp at no cost.

- A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

- **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
______________________________	_______%
______________________________	_______%
______________________________	_______%

- Does any portion of the goods or services offered have any imported content?
  (*Tick applicable box*)

YES		NO	

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

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	
Euro	
Yen	
Other	

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

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti 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

1. 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.
2. Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial development/ip.jsp. 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 with the bid documentation at the closing date and time 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:

1. The facts contained herein are within my own personal knowledge.

2. I have satisfied myself that:

1. 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

2. 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.

3. 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.

4. 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 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: ________________________ **DATE:** ____________

WITNESS No. 1 ________________________ **DATE:** ____________

WITNESS No. 2 ________________________ **DATE:** ____________

Annexure F2- _Local content Declaration-Summary Schedule (annex C)

Adobe Acrobat Document

Annexure F3 - Imports Declaration-Supporting schedule to Annex C(annex D)

Adobe Acrobat Document

Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)

Adobe Acrobat Document

ANNEXURE G

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

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

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		**OR**	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		☐ Yes ☐ No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	☐	A REGISTERED AUDITOR

		NAME:	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	………………………………	**DATE**	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		**TOTAL BID PRICE (ALL INCLUSIVE)**	

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B
TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:

1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**

3. **BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**

4. **WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**

5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

TAX COMPLIANCE REQUIREMENTS

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

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

Annexure H

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

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1. GENERAL CONDITIONS

1. The following preference point systems are applicable to all bids:

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

1.

a) The value of this bid is estimated to ***exceed/not exceed*** R50 000 000 (all applicable taxes included) and therefore the …………. preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

2. Points for this bid shall be awarded for:
   1. Price; and
   2. B-BBEE Status Level of Contributor.

1. The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	**100**

2. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

3. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

3. DEFINITIONS

1. **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
2. "**B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
3. **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

4. **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
5. **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
6. **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
7. **"prices"** includes all applicable taxes less all unconditional discounts;
8. **"proof of B-BBEE status level of contributor"** means:

1. B-BBEE Status level certificate issued by an authorized body or person;
2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
3. Any other requirement prescribed in terms of the B-BBEE Act;

4. **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

5. **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

6. POINTS AWARDED FOR PRICE

1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

7. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

8. BID DECLARATION

1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

9. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

1. B-BBEE Status Level of Contributor: = ………(maximum of 10 or 20 points)

   (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

10. SUB-CONTRACTING

1. Will any portion of the contract be sub-contracted?

   (***Tick applicable box***)

YES		NO	

1. If yes, indicate:
   1. What percentage of the contract will be subcontracted............……………….…………%
   2. The name of the sub-contractor…………………………………………………………..
   3. The B-BBEE status level of the sub-contractor......................................……………..

   4. Whether the sub-contractor is an EME or QSE
   (***Tick applicable box***)

YES		NO	

5. Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√

Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

6. **DECLARATION WITH REGARD TO COMPANY/FIRM**

1. Name of company/firm:…………………………………………………………………………….

2. VAT registration number:……………………………………….………………………………

3. Company registration number:…………….……………………..…………………………….

4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……………………………………………………………………………………………………
……………………………………………………………………………………………………
……………………………………………………………………………………………………
…………………………………………………………………………………………………….

6. COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[*TICK APPLICABLE BOX*]

7. Total number of years the company/firm has been in

business:……………………………

8. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

   1. The information furnished is true and correct;
   2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
   3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
   4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

      1. disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES …………………………………….. ……………………………………	………………………………………. SIGNATURE(S) OF BIDDERS(S) DATE: …………………………………..