

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

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

**MEDIUM VOLTAGE (MV) SWITCHGEAR REPLACEMENT PROJECT FOR UNITS
1 TO 6 AND OUTSIDE PLANT AT MATIMBA POWER STATION.**

Tender number	MWP2507GX
Issue date	12 April 2024
Closing date and time	11 July 2024 at 10h00
Tender validity period	12 weeks from the closing date and time
Clarification meeting	<p>09 May 2024 at 09h30 for 10h00 Venue: Matimba Power Station LAPA (outside main gate) Nelson Mandela Road Lephalale 0555</p> <p>Tenderers must confirm their intention to attend the meeting with the Eskom Representative on e-mail makhubtc@eskom.co.za by 06 May 2024 stating the name, position, and contact details of each proposed attendee to arrange for gate access.</p> <p>Tenderers are requested to complete the Access Form and submit with the above confirmation.</p> <p>Tenderers are urged to bring their own PPE, i.e., hard hats with chin strap, safety boots, safety goggles, overalls, ear protection and reflector vests/jackets. Small torch / headlamp (Optional Extra), arc flash suit.</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	Tender Office Eskom Megawatt Park (Retail Centre) 1 Maxwell Drive Sunninghill

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the medium voltage (MV) Switchgear replacement project for Units 1 to 6 and Outside Plant at Matimba Power Station.

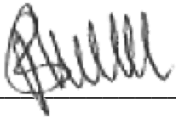
The enquiry documents are supplied to you on the following basis:

1. Free of charge

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

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

Yours faithfully



Raisibe Mphahlele

Procurement Manager

Date: 12 April 2024

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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	*CPA Requirements for Local Goods/Services	Annexure D	Y
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
1.1.6	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
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Supplier Development Localisation and Industrialisation (SDL&I) Undertaking	Annexure J	Y
1.1.11	Contractual Conditions	Annexure K	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	N/A	

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1.1.11	Reverse e-auction training acknowledgement form (if applicable)	N/A	
1.1.12	Reverse e-auction process (if applicable)	N/A	
1.1.13	Contract Skills Development Goals (CSDG)	<i>To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)</i>	Y

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Tinyiko Makhubele Tel: +27 11 800 6865/ 073 851 2254 E-mail: makhubtc@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MWP2507GX.</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"> An open Invitation to tender.
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if:</p> <ol style="list-style-type: none"> 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 either individually or as a partner in a joint venture (JV) or consortium.

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	<ol style="list-style-type: none"> 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ol style="list-style-type: none"> 4.1. (a) they have a controlling partner/majority shareholder in common; or 4.2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process. 5. Tenders signed by non- authorized persons. 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers). 7. Any tenderer that is restricted by National Treasury. 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. <p style="text-align: center;">Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:</p> <p>Date 11 July 2024 Time 10h00 (South African Standard)</p> <p>Late Tenders will not be accepted.</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Megawatt Park (Retail Centre) 1 Maxwell Drive Sunninghill</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy (duplicate) of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit as requested above at tender submission deadline, the tenderer will be disqualified.</p> <p>Eskom will require that one (1) additional complete soft copy (properly indexed) of the original tender is required in electronic format (No CD's to be submitted, only flash drives).</p>

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2.13 Tender Validity Period	The tender validity period is 12 weeks from closing date and time.
2.16 Site/clarification meetings	<p>A non-compulsory clarification meeting and site visit with representatives of the <i>Employer</i> will be held on site so that tenderers can familiarise themselves with the conditions of tendering and site conditions will take place as follows:</p> <p>Date: 09 May 2024 Time: 09h30 for 10h00 Venue: Matimba Power Station LAPA Nelson Mandela Road Lephalale 0555</p> <ul style="list-style-type: none"> • A plant walk with representative of the Employer will take place following the clarification meeting. • The Security Access Form must be completed for each person who will conduct the plant walk. • Induction will be arranged prior to the plant walk. • Tenderers must ensure that relevant experts attend the meeting. • Ensure punctual attendance. • Tenderers must ensure they sign attendance register and complete it in a legible manner to ensure that attendance is recorded. • Tenderers must confirm their intention to attend with the Eskom Representative by 06 May 2024 stating the name, position, and contact details of each proposed attendee to arrange for site access. • Tenderers are responsible for the relevant PPE i.e., hard hats with chin strap, safety boots, safety goggles, overalls, ear protection and reflector vests/jackets, arc flash suit. • No cameras/ photos are allowed to be taken on site. <p>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such</p>

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	mandatory/compulsory meeting will be disqualified and will not be evaluated.
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, which is 10 calendar days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are allowed . If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i> : <ol style="list-style-type: none"> 1. A different payment method. 2. Alternative CPA parameters.
2.31 Provision of security for performance	Security for performance is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender, chosen from Eskom's list of pre-vetted guarantors. The list will be published on the Eskom Tender Bulletin. The following bonds are required for this enquiry:- <ol style="list-style-type: none"> 1. SDL&I Performance Bond; 2. Retention bond; and 3. Performance Bond.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline: Tenders will be opened at: Place: Eskom Tender Office, Megawatt Park (Retail Centre) 1 Maxwell Drive, Sunninghill Date: 11 July 2024 Time: 10h00 (South Africa Standard Time)
3.5 Prices to be read out	Prices will not be read out .
3.9 Basic Compliance	Basic compliance for this invitation to tender are: <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer; 2. Submit original tender, plus one (1) hard copy (duplicate) of the original tender at tender submission deadline; 3. Submit a complete original tender with commercial, financial and technical information; 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines; and 5. Central Supplier Database (CSD) number (MAA.....).
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as

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	<p>stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive. Refer to the list of Tender Returnables for the mandatory returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award, although still required for evaluation.</p>																					
3.13 Functionality requirements	<p>Functionality requirements are applicable.</p> <p>Refer to page 25 to 35 of the invitation to tender.</p> <table border="1"> <thead> <tr> <th>No</th> <th>Qualitative Requirements</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>Part 1A (MV Switchgear)</td> <td>35</td> </tr> <tr> <td>02</td> <td>Part 1B (Switchgear Protection)</td> <td>25</td> </tr> <tr> <td>03</td> <td>Part 1C (Substation Automation System)</td> <td>25</td> </tr> <tr> <td>04</td> <td>Part 1D Common Plant C&I Interface</td> <td>10</td> </tr> <tr> <td>05</td> <td>Project Planning</td> <td>05</td> </tr> <tr> <td colspan="2">Total</td> <td>100%</td> </tr> </tbody> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>	No	Qualitative Requirements	%	01	Part 1A (MV Switchgear)	35	02	Part 1B (Switchgear Protection)	25	03	Part 1C (Substation Automation System)	25	04	Part 1D Common Plant C&I Interface	10	05	Project Planning	05	Total		100%
No	Qualitative Requirements	%																				
01	Part 1A (MV Switchgear)	35																				
02	Part 1B (Switchgear Protection)	25																				
03	Part 1C (Substation Automation System)	25																				
04	Part 1D Common Plant C&I Interface	10																				
05	Project Planning	05																				
Total		100%																				
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> Inclusive 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; and Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 90 points.</p>																					

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<p>3.17 Evaluation of Specific Goals</p>	<p>Specific goals will be scored out of 10 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 90 points for price and will score 0 points for Specific goals (out of 10).</p> <p>Allocation of preference points on the basis of Section 2(1)(d)(i) – Specific Goals Preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th> <th>90/10</th> </tr> </thead> <tbody> <tr> <td>Level 1</td> <td>10</td> </tr> <tr> <td>Level 2</td> <td>9</td> </tr> <tr> <td>Level 3</td> <td>6</td> </tr> <tr> <td>Level 4</td> <td>5</td> </tr> <tr> <td>Level 5</td> <td>4</td> </tr> <tr> <td>Level 6</td> <td>3</td> </tr> <tr> <td>Level 7</td> <td>2</td> </tr> <tr> <td>Level 8</td> <td>1</td> </tr> <tr> <td>Non-compliant contributor</td> <td>0</td> </tr> </tbody> </table> <p>Tender Returnable.</p> <p>To claim preference points as specific goals, a tenderer must submit the following documentation:</p> <ul style="list-style-type: none"> • Valid original or certified copy of B-BBEE certificate issued by a SANAS accredited verification agency for generic entity; • Valid original or certified copy of the B-BBEE certificate / affidavit in the case of QSEs and EMEs; and • For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV. <p>Note:</p> <p>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p> <p>A tenderer may not be awarded points for specific goals if the tender documents indicate that the tenderer intends</p>	B-BBEE Status Level of Contributor	90/10	Level 1	10	Level 2	9	Level 3	6	Level 4	5	Level 5	4	Level 6	3	Level 7	2	Level 8	1	Non-compliant contributor	0
B-BBEE Status Level of Contributor	90/10																				
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	subcontracting 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.
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- 1. 90/10 for tender with a rand value above R50 million or Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.
3.19 Objective Criteria (if applicable)	Objective criteria are applicable. Compliance to Objective criteria is Mandatory prior to Contract award - Failure to comply with Objective will render the tender non-responsive. The following objective criteria apply:- <ul style="list-style-type: none"> • Local Production and Content (Designated Sectors); • National Industrial Participation Programme (NIPP); • Sub-Contracting and Local to site Procurement; • Contractors Skill Development Goals (CSDG); and • B-BBEE Certificate. <p>Local Production and Content (Designated Sectors)</p> <p>As part of government's industrialization policy, government adopted designation of Sectors and Products for local production and content to be supported through public procurement. Procurement of locally manufactured products applies to all procurement irrespective of the value and method of procurement where suppliers are invited.</p> <p>Tenders in respect of goods or services that have been designated for local production and content, must contain a specific bidding condition (treated as an objective criteria) that only locally produced goods or services with a stipulated minimum threshold for local production and content will be considered as a condition for contract award. In relation to a designated sector, a supplier must not be allowed to 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.</p>

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The exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB on the date of the advertisement of the tender. Only the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 must be used to calculate local content. The formula to calculate local content must be disclosed in the bid/ tender documentation. The tenderer must complete, sign, and submit the following returnables for each designated product which is mandatory for contract award:

- (F1) Form SBD 6.2 (Declaration Certificate for Local Production and Local Content);
- (F2) Annexure C (Local Content Declaration – Summary Schedule);
- (F3) – Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C; and
- (F4) – Annexure E-Local Content Declaration- Supporting Schedule to Annexure C.

The stipulated minimum threshold(s) for local production and content for this bid are as follows:

Commodity	Components	Local Content Threshold
Steel products and components for construction	Racking	100%
Electrical cables	Cabling	90%
PPE	Reflector Vests, Jackets, Boots, G Textiles, Clothing, Leather & Footwear, etc.	100%
	Air Insulated MV Switchgear components	50%
	Instrument transformers	15%
	Busbars	5%
	Housing	25%
	Switching Devices	5%

Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.

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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 not be justified for award.

NB: If the required input materials cannot be wholly sourced from South Africa, bidders should request and obtain a written exemption letter from the DTI. The exemption letter should then be submitted, and approvals obtained prior to Contract award. The DTI together with the procuring organ of state and the winning bidder will consider the exemption on a case-by-case basis.

- **NIPP Requirements is applicable.**

Eskom will implement the NIPP requirement, which determines that the contractor/supplier has to contact the Department of Trade, Industry and Competition (dtic) to arrange for support and development of local businesses. Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more.

NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilizing the instrument of government procurement. The NIPP programme is mandatory on all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding US\$5 million.

The programme is targeted at the South African and foreign industries, enterprises, and suppliers of goods and services to government / parastatals, where the imported content of such goods and services equals to or exceeds US\$5 million. The first customer of NIPP is the South African industry that benefits through the NIPP business plans which, when implemented generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, Research and Development (R&D) and technology transfer.

Companies with a NIPP obligation are required to sign this obligation agreement with The Department of Trade, Industry and Competition (the DTIC) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the DTIC and supplier. It defines the NIPP obligation value/s, requirements to fulfil the NIPP obligation,

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performance milestones, performance monitoring processes and the NIPP credit allocation criteria.

All tenders with an import content that is equal to or exceeds the threshold of US\$5 million, compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the DTIC before signing the contract with Eskom.”

Very Important: NIPP is an obligation that need to be executed, therefore the Contractor is expected to comply with this requirement, stated above, as part of Contractual Requirements.

Subcontracting and Local-to-site Procurement

The Contractor is required to subcontract a minimum of 10% of the Contract Amount to South African Companies, particularly those within the Waterberg District Municipality Area. It should be noted that subcontracting is an aspiration not an expectation.

There will always be opportunities for the OEMs to subcontract certain portion of the scope to small suppliers in the vicinity of the Project. The subcontracting will be with these Designated Group of Suppliers: an EME or QSE, which is at least 51% owned by Black people; an EME or QSE, which is at least 51% owned by Black people who are youth; an EME or QSE, which is at least 51% owned by Black people who are women; an EME or QSE, which is at least 51% owned by Black people with disabilities; and an EME or QSE, which is 51% owned by Black people living in rural or underdeveloped areas or townships.

Subcontracting Requirements

Possible Scope that may be subcontracted:

- Supply of Cables and Cabling;
- Labour and Tools Hire;
- Site Establishment Containers;
- Welding and mechanical consumables;
- Transportation of both Labour and Material;
- Accommodation;
- Entrance and Exit Medical Surveillance Services; and
- Supply of consumables, etc.

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The winning Bidder (Tenderer) shall submit the Subcontracting Agreement before Contract Award, if not submitted at tender closing date and time.

The beneficiaries for subcontracting will be residents of Waterberg District Municipalities.

Skills Development: Contractor’s Skills Development Goals (CSDG).

Eskom will apply the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 23 August 2013 (Board Notice 180 of 2013, Government Gazette 36760) (“the CIDB Skills Standard”) to the contract. As such, for the purposes of the CIDB Skills Standard the “contract skills development goal” for electrical engineering works (Infrastructure) is 0.25% of the Accepted Contract Amount.

The implementation date for Public Entities or Clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No. 23 of 2014, as amended, from which all classes of construction work with a minimum tender grade of 7 and minimum project duration of 12 months became subject to an Assessment of Compliance with the Standard for Developing Skills through Infrastructure Contracts is 01 April 2021, as published in Government Notice No. 43726.

The contract skills development goal will be part of the contract as the above percentage of the Accepted Contract Amount. VAT is excluded from the contract amount and so will also be excluded from any contract skills development credits which can be claimed by the Contractor. Note that any skills proposed must be in line with this requirement.

In the case of the Standard there are no returnable documents, notwithstanding the Employer shall provide the proforma documents that shall be completed by the Contractors after award of the contract within the stipulated period. (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report).

Skills development shall have specific targets that address some of Eskom’s core, scarce and critical skills. In terms of the classification system of engineering and construction works contracts most of the

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works is classified as Electrical Engineering and as such the Contractor will be required to propose against the following training initiatives:

Skills Type	Number of learners	Intake	Outcome
Method 1: Graduates in Electrical Engineering	10	S4	National Diploma Electrical
Method 2: Artisans (Electrical)	15	N6/NCV Level 4 Electrical/ TVET College Graduates	SETA Trade Test Certificate
Total	25		

Note: The above-mentioned Skills are a guideline. The actual skills/trade type may be negotiated. However, expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIBD CSDG is a Condition for Contract Award.

The Tenderers are free to propose any other relevant Skills Development that will be feasible and benefit the previously disadvantaged communities. This may even include Workplace Integrated Learning (WIL) from the TVET Colleges within the Waterberg District Municipality Area.

The Format of Communications: Contract skills Development Goals (CSDG)

The Contractor shall submit to the Employer’s representative within 30 (Thirty) days of award of the contract a baseline training plan in the specific format (Form A2 Baseline Training Plan). The Contractor shall submit to the Employers Representative:

- An interim contract compliance training report in the specific format (Form A3 Project Interim Report) at intervals which do not exceed 3 (Three) months;

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	<ul style="list-style-type: none"> • A final contract compliance training report in the specific format (Form A5 Project Completion Report) within 15 days of reaching completion, end of the service, the delivery date for all work required or practical completion in the case of professional service, service, design and construct contracts, and engineering and construction works contracts, respectively; • The Contractor shall submit to the employer’s representative project interim report in the specified format (Pro-forma A3) on the progress of each of part/full occupational qualification learner/trade qualification learner/work integrated learner/candidate every three months. • The Contractor shall submit to the employer’s representative the names and particulars in the specified format (Pro-forma A4) of the supervisor, mentors for the part/full occupational qualification learners/trade qualification learners/work integrated learners or candidates within 30 days of start of the contract; and • Where the contract is part of a Strategic Integrated Project (SIP) the Contractor will be required to report to the Presidential Infrastructure Coordinating Commission (PICC) through the respective SIPs Skills Co-Ordinator’s linked to the office of the SIP Co-Ordinator’s, using the approved PICC reporting template. <p>B-BBEE Certificate</p> <p>The winning bidder is expected to submit a valid B-BBEE Certificate prior to Contract if it was not submitted at Tender closing.</p> <p>Please note:-</p> <ol style="list-style-type: none"> 1. Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA. 1. Functionality and elements of Contractual requirements must not be used as objective criteria.
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction is not applicable.</p> <p>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</p>

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	<p>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 (if applicable)	<p>Contractual Requirements may include the following:</p> <ol style="list-style-type: none"> 1. SHEQ requirements; 2. Financial statements (due diligence); 3. SDL&I (Job opportunities and B-BBEE; and 4. Shipping, Insurance, Legal and Contract Management. <p>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/ 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	<p>The conditions of contract will be the NEC3 ECC.</p> <p>The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020).</p> <p>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.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p>CIDB Requirements are applicable.</p> <ol style="list-style-type: none"> 1. It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of 9EP (Electrical Engineering works (Infrastructure)) or 9ME (Mechanical Engineering Works). 2. Joint ventures are eligible to submit tenders provided that :- <ol style="list-style-type: none"> 2.1. every member of the Joint venture (JV) is registered with the CIDB;

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	<p>2.2. the lead partner has a contractor grading designation in the 9EP (Electrical Engineering works (Infrastructure)) or 9ME (Mechanical Engineering Works) *class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status;</p> <p>2.3. the combined contractor grading designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 9EP (Electrical Engineering works (Infrastructure)) or 9ME (Mechanical Engineering Works) * class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIDB Regulations.</p> <p>Please note:</p> <p>That only those tenderers who are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</p> <p>Employer (Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.</p> <p>3. Contract Skills Development Goals (CSDG) Requirements is applicable to this project.</p> <p>Eskom will apply the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 23 August 2013 (Board Notice 180 of 2013, Government Gazette 36760) (“the CIDB Skills Standard”) to the contract. As such, for the purposes of the CIDB Skills Standard the “contract skills development goal” for electrical engineering works (Infrastructure) is 0.25% of the Accepted Contract Amount.</p> <p>The contract skills development goal will be part of the contract as the above percentage of the Accepted Contract Amount. VAT is excluded from the contract amount and so will also be excluded from any contract skills development credits which can be claimed</p>
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	<p>by the Contractor. Note that any skills proposed must be in line with this requirement.</p> <p>Note:</p> <p>In the case of the Standard there are no returnable documents, notwithstanding the Employer shall provide the proforma documents that shall be completed by the Contractors after award of the contract within the stipulated period. (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report).</p> <p>The implementation date for Public Entities or Clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No. 23 of 2014, as amended, from which all classes of construction work with a minimum tender grade of 7 and minimum project duration of 12 months became subject to an Assessment of Compliance with the Standard for Developing Skills through Infrastructure Contracts is 01 April 2021, as published in Government Notice No. 43726.</p> <p>4. 4.1 The CSDG applicable to this tender is in terms of the Engineering and Construction Works contract with respect to the 9EP (Electrical Engineering works (Infrastructure)) or 9ME (Mechanical Engineering Works) class of works or class of works [delete “or” where only one class of construction works is applicable] and the applicable percentage is 0.25 % and is contained in the relevant BOQ/Pricing schedule attached.</p> <p>Please note: Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GGN 36760 of March 2020) CSDG is applicable to all classes of works exceeding R60 M and where the contract duration is 12 months or more or to Professional Services/Service contract/order where the estimated contract exceeds R5M and where the contract duration is 12 months or more].</p> <p>1. Contract Participation Goals <i>is not applicable</i>.</p> <p>[Please note: Contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of</p>
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	<p>targeted enterprises as established in the CIDB Standard for Indirect Targeting for Enterprise development through Construction Works Contract (published in GN No. 36190 of 25 February 2013)</p> <p>Contract Participation Goals is only applicable in Grade 7-9 General Building (GB) and Civil Engineering (CE) contracts where the contract duration is 6 months or more.</p> <p>Construction Works contracts in which at least 25% of the main contract could reasonably be expected to be sub-contracted out in one or more of the following classes:-</p> <ol style="list-style-type: none"> 1. Civil Engineering (CE) 2. Electrical Engineering Work (EB) 3. General Building Works (GB) 4. Mechanical Engineering (ME) <p>The contractor shall engage targeted enterprise/s in the performance of the contract to the extent that at least 5 % contract participation goal is achieved.</p> <p>The contractor shall determine the contract skills participation goals expressed in Rands which shall not be less than the contract amount multiplied by a percentage factor.</p>

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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.

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 returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE:

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

** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at

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


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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Basic Compliance	One (1) hard copy of the original tender.	✓		
Annexure A	Acknowledgement Form.		✓	
Annexure B	Tenderers Particulars.		✓	
Annexure C	Integrity Pact Declaration form.		✓	
Annexure D	CPA for local goods/services.		✓	
Annexure E	CPA(IG) for imported goods/services (if applicable).		✓	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E.			✓
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations.		✓	
Annexure I	SBD 4 – Bidders Disclosure.		✓	
Reverse e-auction training acknowledgement form (if applicable)		Not applicable		

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Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.		✓	
	# proof of compliance to the stipulated Specific goals.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
# Specific Goals	Failure on the part of the supplier to submit “ proof of specific goals ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓	
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]	Not applicable		
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓	
CIDB: 9EP or 9ME	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.		✓	
NEC Documentation	Completed C1.2 Contract Data – Part two – Data provided by the Contractor.	✓		
Pricing Schedule	Completed NEC pricing schedule.	✓		
Foreign Procurement: Shipping Information	Shipping costs evaluation form.			✓

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Requirements – 240 - 55409456				
Foreign Procurement: Importation Information / Requirements - 240 - 105696152	Customer Questionnaire.			✓
Standard Bidding Document (SBD 5)	The National Industrial Participation Programme (NIPP) The NIPP programme is mandatory on all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding US\$5 million.			✓
CSD Registration	Printout of CSD report.		✓	
Documents/ Information for Mandatory Technical Criteria	Refer to section 1.4 below for the mandatory technical returnables.	✓		

1.4 DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA

Mandatory Technical Evaluation Criteria

Tenders will be evaluated against mandatory requirements as follows:

Technical: Mandatory criteria (gatekeepers) are “must meet” criteria. These criteria shall not be weighted, or point scored but shall be assessed on a Yes/ No basis to establish if the criteria are met or not. Not meeting any mandatory criterion shall technically disqualify the tenderer and shall not be further evaluated against Qualitative Criteria.

Should the supplier fail to provide any mandatory tender returnables as clearly specified in the tender enquiry at the tender closing, the tender submission will be deemed non-responsive. This evaluation will be a desktop evaluation.

No.	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1.1.	The tenderer must comply with the type testing requirements, including AFLR internal arc tests, as per IEC 62271-200, 240-82332407 and, 240-56227573 standards for the switchgear offered. If the	Part 1A of Works Information: <ul style="list-style-type: none"> Section 3.1. 	<ul style="list-style-type: none"> Safety of people and plant. Compliance to applicable

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No.	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
	<p>equipment has been type tested according to standards other than IEC 62271-200, the tenderer must provide the standards referenced, as well as provide specifications comparison and proof that their standard meets the minimum requirements of the IEC standard. If a laboratory used for type testing does not have membership of Short-circuit Test Liaison (STL) the tenderer must provide proof of the laboratory's compliance with the requirements of ISO/IEC 17025. The tenderer must provide a list of all the type test certificate numbers for the equipment which is offered as per the tender requirements.</p>		standards and regulations.
1.2.	<p>All major equipment and devices offered by the tenderer must be of proven technology. Such equipment includes the following:</p> <ul style="list-style-type: none"> • Switchgear • Protection Devices • Data Communication Devices <p>The reference list of identical equipment as offered should indicate the projects on which the technology was implemented, including the names of the clients, the country, and the year in which the technology was utilised. The referenced projects must have a minimum duration of five years since installation.</p>	<ul style="list-style-type: none"> • Section 3.27 of Part 1A • Section 4.4 of Part 1B • Section 5.4 of Part 1C 	<ul style="list-style-type: none"> • Credibility of equipment and devices.

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No.	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1.3.	<p>All major equipment and devices offered must be supplied by the Original Equipment Manufacturers (OEMs) or official value adding reseller (VAR) or agents. When manufactured under licence, the tenderer shall provide proof of licence agreement with the OEM.</p> <p>The value adding reseller (VAR) or agents provide a copy of the contract agreement with the OEM indicating that the local agent or VAR is authorized and accredited to perform the following activities: supply, test, install, commission, maintain, modify, and conduct operating and maintenance training to the end user of the equipment. The duration of the agreements should match the contract duration.</p> <p>Such equipment includes the following:</p> <ul style="list-style-type: none"> • Switchgear • Protection Devices • Data Communication Devices 	<ul style="list-style-type: none"> • Section 3.12 of Part 1A • Section 3.32 of Part 1B • Section 4.1 of Part 1C • Section 4.7 of Part 1C 	<ul style="list-style-type: none"> • Reliability of equipment and devices. • Warranty reservation.
1.4.	<p>The tenderer must have a track record of three years' experience as a minimum, for design, construction, and commissioning of switchgear. In case the tenderer intends to subcontract or form a joint venture, a letter of agreement, together with a track record for all parties involved must be provided.</p>	<ul style="list-style-type: none"> • Section 1.1 of Part 1A • Section 2.2 of Part 1B • Section 3.1 of Part 1C 	<p>Experience to execute project.</p>

Qualitative Technical Evaluation Criteria

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Qualitative Technical Evaluation Criteria are weighted evaluation criteria used to identify the highest technically ranked tenderer after determining that all the Mandatory Evaluation Criteria have been met. The Qualitative Evaluation Criteria are weighted to reflect the relevant importance of each criterion. The minimum weighted final score **(threshold) required for a tender to be considered from a technical perspective is 70%**.

A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications.

The technical criteria and weighting are broken down as follows:


No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
	Part 1A (MV Switchgear)		Works Information	35		
2.	2.1.	Compliance Schedule	Appendix A13 of Part 1A		10	
	2.2.	Technical Schedules A&B	Appendix A2 of Part 1A		30	
	2.3.	Basic Technical Requirements	Appendix A3 of Part 1A		10	
	2.4.	Type Testing Requirements	Appendix A7 of Part 1A		10	
	2.5.	Maintenance Plan	Sections 3.23.3 of Part 1A, Maintenance schedule over the 30-year life expectancy of the switchgear.		10	
	2.6.	MV Switchgear Schedules	Appendix A4 of Part 1A		30	
	2.7.	Training requirements				
	Subtotal (Item 1 of the Qualitative Technical Evaluation Criteria)				SUBTOTAL: 100	
	Total (Weighted Percentages According to Disciplines)				TOTAL 35	

Part 1B (Switchgear Protection)

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No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
3.	Part 1B (Switchgear Protection)		Works Information	25		
	3.1.	Compliance Schedules	Appendix B1 of part 1B		20	
	3.2.	Technical Schedules A&B	Appendix B2 of part 1B		40	
	3.3.	Equipment and system design			30	
	3.3.1.	List of protection Devices	<ul style="list-style-type: none"> Section 4.4 of Part 1B. List of protection devices that are compliant with Section 4.5 and section 4.5.7. 			30
	3.3.2.	Conceptual design for protection schemes.	<ul style="list-style-type: none"> Section 4.6, 4.7, 4.8 of Part 1B. Conceptual designs (Drawings & OEM Proprietary Software Project) for protection schemes for each circuit type. <p>Conceptual Design to be as per as the switchgear schedule compliant to Generation Auxiliary Plant Medium Voltage Protection Standard 240-143485806. Normative Reference.</p>			70

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No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
	3.4.	Maintenance and aftermarket support	<ul style="list-style-type: none"> Section 3.23.3 Maintenance requirements for major and minor actives and details of aftermarket support for protection equipment. 		10	
Subtotal (Item 2 of the Qualitative Technical Evaluation Criteria)					SUBTOTAL: 100	
Total (Weighted Percentages According to Disciplines)					TOTAL: 25	


Part 1C (Substation Automation System)

No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
4.	Part 1C (Substation Automation System)		Works Information	25		
	4.1.	Compliance Schedules	Appendix C1 of part 1C		25	
	4.2.	Technical Schedule A&B	Appendix C2 of part 1C		25	
	4.3.	System Design			50	
	4.3.1.1.	SAS Architecture	Section 5.12.1			10
	4.3.1.2.	High-level Communication Philosophy	Section 5.12.1			10
	4.3.1.3.	Substation Automation System (SAS) LANs and VLANs Configuration Philosophy	Section 5.12.1			10

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No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
	4.3.1.4.	Data Recovery philosophy that will form the basis of a Disaster Recovery procedure	Section 5.12.1			10
	4.3.1.5.	Basic Failure Mode, Effects & Critically Analysis (FMECA).	Section 5.12.1			10
	4.3.1.6.	Basic RAMs Study	Section 5.12.1			10
	4.3.1.7.	Alarm Rationalisation and Response Philosophy	Section 5.12.1			10
	4.3.1.8.	Traffic Management and Quality of Service Philosophy	Section 5.12.1			10
	4.3.1.9.	Cyber Security Configuration philosophy	Section 5.12.1			10
	4.3.1.10.	Performance verification philosophy according to IEC 61850-10 Clause 3, as specified in Section 5.10.	Section 5.12.1			10
Subtotal (Item 3 of the Qualitative Technical Evaluation Criteria)					SUBTOTAL: 100	
Total (Weighted Percentages According to Disciplines)					TOTAL: 25	


Part 1D (C&I Interface)

No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
5.	Part 1D Common Plant C&I Interface		Works Information	10		
	5.1.	Common Plant Control System Interface Concept	See "Enquiry" Column on Appendix D1 - Technical		25	

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No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
			Documentation of Part 1D. "Common Plant Control System" Sheet			
	5.2.	Plant Information System Interface Concept	See "Enquiry" Column on Appendix D1 - Technical Documentation of Part 1D. "3rd Party Interfaces" sheet		25	
	5.3.	Track record and experience on completed project associated with interfacing to PLCs, preferably ABB P13 PLC controllers and HMI mods to ABB 800XA.	<p>Section 6.4.3 of Part 1D</p> <p>The tenderer shall provide evidence of at least 2 projects implemented successfully and includes as a minimum the following scope of work:</p> <ul style="list-style-type: none"> - Interface of field equipment, preferably Medium Voltage switchgear, to ABB P13 Programmable Logic Controllers 		25	

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No.:	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
			Input and Outputs. - Human Machine Interface modifications to ABB 800XA systems. - Perform logic changes on ABB P13 Programmable Logic Controllers. - Commissioning and testing of each of the above. The project summary should include project name, project detail/summary, reference contact details as a minimum.			
	5.4.	Track record in installation and modification of Visual Automation (VA)	Section 6.12.2.3 of Part 1D The tenderer shall provide evidence of at least 1 project		25	

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No.:	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
		<p>implemented successfully by the tenderer which includes as a minimum the following scope of work:</p> <ul style="list-style-type: none"> - Installation and modifications to Visual Automation (VA) network equipment including data collectors compatible with existing VA Plant Information System. - Modifications, removal, and additions to the VA system tag databases. <p>The project summary should include project name, project detail/summary, reference contact details as a minimum.</p>			

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No.:	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
	Subtotal (Item 4 of the Qualitative Technical Evaluation Criteria)			SUBTOTAL: 100	
	Total (Weighted Percentages According to Disciplines)			TOTAL: 10	


Project Planning

No.:	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
6.	Project Planning	Works Information	5		
	6.1. Planning	Section 3.3.1.1 Schedule in Primavera format and PDF indicating major activities as reflected in the Works Info. The schedule should: <ul style="list-style-type: none"> ○ Logical links between activities ○ Completion of the works within accepted durations that are in consistence with key dates provided in the contract data. ○ Shows critical path Milestone should be included		100	
	Subtotal (Item 5 of the Qualitative Technical Evaluation Criteria)			SUBTOTAL: 100	

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No.:	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Weighting (%)	Sub Weighting (%)	Sub-Sub Weighting (%)
	Total (Weighted Percentages According to Disciplines)			TOTAL: 5	

1.5 DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Due Diligence	Audited or Unaudited Financial Statements not older than 18 months, with previous financial year for comparison will be a requirement. Where financial statements are not audited, the tenderer must still submit a complete set of financial statements that includes a signed accounting officer's report OR signed independent reviewer's report OR signed compiler's report and a signed directors/members report. Financial statements include but not limited to:			✓

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	<ul style="list-style-type: none"> Statement of comprehensive income; Statement of financial position; Statement of changes in equity; Statement of cash flows; and Notes to financial statements. <p>The following additional documents will accompany unaudited financial statements:</p> <ul style="list-style-type: none"> Public Interest Score (PIS); and ITA 34C Income Tax Assessment. 																	
Occupational Health and Safety.	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 10%;">Item No.</th> <th>Occupational Health and Safety Returnables/ Requirements</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>Annexure B - Acknowledgement of Eskom's Occupational Health and Safety (OHS) legal and other requirements form signed and submitted by the tenderer.</td> </tr> <tr> <td style="text-align: center;">2.</td> <td>OHS Plan (specific to scope of work) Must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements.</td> </tr> <tr> <td style="text-align: center;">3.</td> <td>Costing for Safety Health and Environmental Submit detailed costing (the cost should be broken down, not provided as a lump sum) for SHE in terms of OHS Act 85 of 1993 Construction Regulations 2014 5(1)(g). <ul style="list-style-type: none"> Based on the overall scope of work/service to be performed. The scope of work and the risk assessment may serve as a guideline. </td> </tr> <tr> <td style="text-align: center;">4.</td> <td>Baseline Risk assessment Identification, assessment, and management of OHS risks related to the scope of work. The methodology and applicable risk matrix used for the risk assessment must be provided together with the Baseline Risk Assessment (BRA).</td> </tr> <tr> <td style="text-align: center;">5.</td> <td>Valid Letter of Good Standing (COIDA or equivalent).</td> </tr> <tr> <td style="text-align: center;">6.</td> <td>OHS Policy signed by CEO/MD: Comply with OHS Act Section 7 or OSHAS 18001/ISO 45001.</td> </tr> </tbody> </table>	Item No.	Occupational Health and Safety Returnables/ Requirements	1.	Annexure B - Acknowledgement of Eskom's Occupational Health and Safety (OHS) legal and other requirements form signed and submitted by the tenderer.	2.	OHS Plan (specific to scope of work) Must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements.	3.	Costing for Safety Health and Environmental Submit detailed costing (the cost should be broken down, not provided as a lump sum) for SHE in terms of OHS Act 85 of 1993 Construction Regulations 2014 5(1)(g). <ul style="list-style-type: none"> Based on the overall scope of work/service to be performed. The scope of work and the risk assessment may serve as a guideline. 	4.	Baseline Risk assessment Identification, assessment, and management of OHS risks related to the scope of work. The methodology and applicable risk matrix used for the risk assessment must be provided together with the Baseline Risk Assessment (BRA).	5.	Valid Letter of Good Standing (COIDA or equivalent).	6.	OHS Policy signed by CEO/MD: Comply with OHS Act Section 7 or OSHAS 18001/ISO 45001.			
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	7.	SHE Competency (Consider scope of work, risks, SHE Plan and applicability) The SHE Legal Organizational structure/organogram specific to the project must be submitted. CV's and Competencies (qualifications/certificates) of the following: <ul style="list-style-type: none"> - First Aiders trained to level 2 and above; - Safety Manager and Officer(s) – minimum requirements of National Diploma in Safety management or Environmental health and registered as a professional with SACPCMP); - SHE Representative; - Risk assessor; - HCS Controller; and - Incident investigator. 			
	8.	Covid-19 Management Plan Documented procedure/plan for managing Covid-19 risk on the project/site taking into account published government regulations and directives as well as organization policy.			
	9.	Covid-19 Risk assessment Identification, assessment, and management of Covid-19 risks related to the scope of work. The methodology and applicable risk matrix used for the risk assessment must be provided together with the RA.			
	10	Safe Work Procedures/ Method statements Documented procedures on how work will be executed safely for all high-risk activities.			
	Note 1	Annexure A (SHE Specification) Also consider the Client's Non-Negotiable Health and Safety requirements listed in Annexure A of the SHE Specification. Complete and submit Annexure A, together with all supporting evidence for each question answer 'yes'. Where the evidence is covered in the OHS plan, please reference the submitted OHS (clause/section number).			

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	Note 2 OHS Act Section 37(2) - A 37(2) agreement to be signed between the parties upon contract award. <u>OHS post-contract review:</u> At the end of the contract, an evaluation will be conducted and will be supported by the objective evidence documented during the term of the contract. The evaluation criteria will include, but not limited to: Accident and injury data for the contract; OHS non-conformances; Legal compliance with OHS requirements; Close-out of Incident Investigations; contravention of the Eskom Lifesaving rules; Prohibition and contravention notices issued by Department of Employment and Labour/Department of Environmental affairs etc. The evaluation report shall be filed in the contract documents.			
Quality requirements	Item No.	Quality Description		
	Quality Management System Requirements ISO 9001	Option 1: Valid certification of Quality Management System by ISO accredited body. A.1 Product/Service Scoping on ISO 9001 certificate is defined and relevant to the proposed scope. A.2 Certificate by Approved and Authorized certification authority. A.3 Certification Authority has Recognized International Accreditation. A.4 Validity (expiry date) of certificate. Option 2: Objective evidence of documented QMS that is not certified but conforms. A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on the scope. A.2 Quality Policy Approved by top management. A.3 Quality Objectives Approved by top management. A.4 Records required by ISO 9001 standard (List of Records). A.5 Control of documented information. A.6 Documented information for Control of Nonconforming outputs. A.7 Documented information for Nonconformity and Corrective Action. A.8 Documented information for Internal Audit.		

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	SECTION B: Evidence of QMS in operation (Tender Quality Requirements Ref 240-105658000) -	B.1 Documented information for defined roles, responsibilities, and authorities. B.2 Documented information for Control of Externally Provided Processes, Products and Services. B.3 Latest Copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports).						
	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698)	C.1 Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005). NB Draft Contract/Project Quality Plan has important QA deliverables.						
	SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302) -	D.1 Example of QCP/Checklist/ITP (Quality Control Plan) on similar and /or previous work done.						
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000 and Form A 240-680995127)	E.1 Form A completed and signed.						
	Environmental requirements	<table border="1"> <thead> <tr> <th>Item no</th> <th>Environmental description</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Provide a baseline environmental aspect and impact register identification covering the <i>Contractor</i> scope of work with proposed mitigation measures. This must include all products and services procured through 3rd parties and also</td> </tr> </tbody> </table>	Item no	Environmental description	1.	Provide a baseline environmental aspect and impact register identification covering the <i>Contractor</i> scope of work with proposed mitigation measures. This must include all products and services procured through 3rd parties and also		
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		referring to the relevant environmental legislations/requirement.			
	2.	Provide scope related Environmental Management Plan / Procedures/Works Instructions detailing the manner in which the Tenderer will comply with Environmental management Requirements.			
	3.	Provide systems that ensure that Environmental Compliance is monitored e.g. Incident management, Non-conformance, and internal audits procedures.			
	4.	Site Specific Environmental Management Programme that compliments the Environmental Management Programme Report (EMPr, Water use License (WUL) and Integrated Environmental Authorisation (IEA) of the project as contain within the SHE Specification.			
	5.	Appointment letter and CV of the environmental officer with minimum of 3 years' experience in construction environment with knowledge of implementation of Waste Use License, Waste license, Environmental Authorisation, and other environmental related permits. Candidate must have practical knowledge on ISO 14001:2015, environmental law and auditing.			
	6.	Provide environmental costing estimation. e.g., waste bins, spill kits, drip trays etc.			
	7.	Recommendation letter from the previous clients demonstrating the tender compliance to the environmental law and other requirements.			

B-BBEE Requirements

The winning Tenderer is expected to submit a valid B-BBEE Certificate prior to contract award if it was not submitted at Tender closing.


Tenderers will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

Job Opportunities and upskilling of employees.

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Tenderer to indicate number of Jobs to be created and/or retained due to this contract.

Number of Jobs to be created	Number of Jobs to be retained

The Contractor should ensure that all its General Workers and Semi-Skilled Workers and at least 30% of the skilled workers are recruited from within Limpopo Province.

Whenever feasible and once agreed upon, the Contractor will subcontract/procure some of its material/goods/ services within the Waterberg District Municipality Area.

Eskom Shipping

In the event that contract is concluded with a local supplier, who may be importing the goods from overseas, no INCOTERM applies because the transaction is not an international purchase. The supplier must take full responsibility of shipping from origin country to Eskom site. This implies that the Eskom Deferment Account for payment of Customs Duties, where applicable, and Customs VAT cannot be utilized in line with the Eskom P&SCM Procedure 32-1034 Rev4, Page 207, paragraph 3.

In the event that any items are imported, the Eskom deferment account must be utilised only if Eskom is contracting with foreign suppliers. Local suppliers must not, under any circumstances, utilise the Eskom deferment account. Any duties and VAT that arise for local suppliers as a result of importing items should be for their own account. Eskom will only be liable for custom duties for items that are directly provided by the foreign suppliers.

Eskom should make provision for transport (as there will be no evaluation of transport costs) and reimburse the shipping costs to the supplier at real-time prices. Supporting documents from the Clearing and Forwarding Agent utilized must be provided, together with the invoice, as proof of the costs incurred. The final invoice to Eskom should exclude Customs VAT because the supplier, who will be deemed as the importer of record, is able to claim this cost back from the SARS during the tax period in which the goods are imported and released by Customs at the port of destination.

Note: In the event that Eskom concludes directly with foreign manufacturer / Original Equipment Manufacturer (OEM), where there is no local representative involved, Eskom may conclude on the INCOTERMS as advised by Eskom Shipping.

Tax Implications

- Income Tax**

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For income tax purposes, a repair is restoration by renewal or replacement of a subsidiary part of a whole, undertaken to restore the asset to a state in which it will continue to earn income as before. For an asset to be repaired, there must be damage or deterioration to the part of the original asset and the intention must be to restore the asset to its original condition.

Any expenditure incurred for the above-mentioned project will qualify for a deduction as a repair in terms of section 11(d) of the Income Tax Act No.58 of 1962 (“the Act”). The deduction is allowed in full in the year during which the expenditure is actually incurred. Foreign exchange differences incurred will be deferred and deductible in terms of section 24(l) of the Act when the asset is brought.

• **Customs**

○ **Eskom contracting with foreign supplier**

Where any items are imported for this project, the Eskom deferment account may be utilised, when Eskom is contracting directly with a foreign supplier and is the importer of record. Eskom will be liable for the payment of customs duties and import VAT for imported items that are procured directed from the foreign supplier.

All tenderers will be required to complete a Customs Questionnaire, as part of the tender returnable. The customs implications for both Eskom will be determined once the Customs Questionnaire has been reviewed and a tax memo will be issued.

○ **Eskom deferment accounts**

Eskom applied and was granted deferment accounts at 7 national ports of entry i.e.(Durban; Cape Town Harbour; Cape Town airport; Johannesburg; O.R Tambo International; Richards Bay and Port Elizabeth) for the deferment of customs duty and import VAT. The deferment accounts allow Eskom to defer the payment of customs duty and import VAT at the time of importation for a minimum of 7(seven) days and a maximum of up to 37 (thirty-seven) days without incurring interest charges. Eskom will therefore directly settle the import duty and/or import VAT with SARS, as the importer of record.

Eskom’s contracted clearing and forwarding agents (CFAs) and where a CFA is nominated by foreign suppliers, must obtain authorization from Group Tax to utilize the Eskom deferment accounts.


○ **Eskom contracting with local suppliers or local agents**

Eskom’s deferment account must not be used where Eskom concludes a contract with a local supplier or agent, who may be importing any goods for this project from overseas. Please refer to Eskom P&SCM Procedure 32-1034 Rev4, Page 207, paragraph 3.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We are in receipt of the Invitation to Tender from Eskom Holdings SOC Ltd and the following addenda issued by Eskom:

1.	
2.	
3.	

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:

Cataloguing Acknowledgement:

[Please select the relevant statement by ticking the appropriate box below]:

1. We agree to provide the cataloguing information as described in the *tender submission*.
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [*insert previous invitation to tender/RFQ number*] _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

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

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Invitation to Tender No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

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

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

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

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

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8.1 Confirm if you intend sub-contracting

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

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

8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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

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

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

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

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

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1. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

2. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
 2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
 3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
 4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - 4.1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - 4.2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - 4.3. 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
- 4.1. a juristic person is “related” to another juristic person if:-**
- 4.1.1. 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)) ;
 - 4.1.2. either is a subsidiary of the other; or
 - 4.1.3. 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 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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	<p>Is the <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><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>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?</p>		
1.3.1	Provide details.		
1.4	<p>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</p>		
1.5	<p><i>Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?</i></p>		

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the JV's tender 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.

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).

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ANNEXURE D

CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR BOTH FOREIGN AND LOCAL GOODS AND SERVICES.

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

This Section will not be applicable to professional services contract (See point6. for Professional Services)

1. APPLICATION OF CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

A. Proposed CPA

Eskom proposes that the following CPA breakdown should apply:

Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1	30%					
A2	45%					
A3	10%					
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

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NB: if the table above is not applicable, kindly refer to the tender documents for Eskom's CPA proposal.

B. Main Offer

- A Main Offer that is fully compliant with CPA requirements as specified above.
- This condition is mandatory unless a fully fixed priced offer is submitted.

C. Additional/Alternative Offers

Additional/Alternative offers, which are optional, will only be considered if:

- A fully compliant Main Offer is submitted and acceptable.
- An additional/Alternative offer may be:
 - (a) A fixed priced offer in addition to the fully CPA compliant Main Offer, or
 - (b) Any other offer with CPA conditions that deviate from the CPA conditions indicated above (in Point 1).

However, it is compulsory that all such deviations be substantiated. Additional/Alternative Offers must be clearly marked as such.

3. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,

4. 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 affect payment

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- 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

5. INDICES

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

6. 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 contract 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.

7. Example of a CPA Formula:

Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index as published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	30%	Round Bar – Table E-EX	Domestic Merchant Steel Price Index	Seifsa	May 2020	172.1
A2	45%	C3-A all hourly paid Employees	Actual Labour Costs	Seifsa	May 2020	167.6
A3	10%	Transport	L1(A) Road Freight Costs	Seifsa	May 2020	111.9
	15%	Fixed portion not subject to CPA				
	100%	All Weightings/Proportions must add up to 100				

(The above table is merely an example and when tenders are preparing the proposed CPA breakdown/s should be indicated. The above table can duplicated if more than one CPA formula is to apply.)

- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted)

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EG:

- If the pricing schedule has 1 line item for material - there could be 1 CPA Formula (Formula A – with a breakdown of all the material cost components)
- If there are specific line items for Labour and Transport, individual Formulae might be used.
- Each CPA formula must add up to 100.

Please note: Eskom reserves the right to negotiate CPA terms and conditions during any negotiations held with tenderers.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

1. APPLICATION OF CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.
- Where foreign CPA is being claimed, a Commercial (overseas) Invoice will be required to be submitted for the foreign escalated value.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

A. Proposed CPA

Eskom proposes that the following CPA breakdown should apply:

Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index as published</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1	30%					
A2	45%					
A3	10%					
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

NB: if the table above is not applicable, kindly refer to the tender documents for Eskom's CPA proposal.

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B. Main Offer

- A Main Offer that is fully compliant with CPA requirements as specified above.
- This condition is mandatory unless a fully fixed priced offer is submitted.

C. Additional/Alternative Offers

Additional/Alternative offers, which are optional, will only be considered if:

- A fully compliant Main Offer is submitted and acceptable.
- An additional/Alternative offer may be:
 - i) A fixed priced offer in addition to the fully CPA compliant Main Offer, or
 - ii) Any other offer with CPA conditions that deviate from the CPA conditions indicated above (in Point 1).
- However, it is compulsory that all such deviations be substantiated.
- Additional/Alternative Offers must be clearly marked as such.

3. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied.

4. 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 affect payment.
- Where a high, low and mean are published:
The mean

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

5. INDICES

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

6. ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS

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 and accessible to both parties. Supplier in-house indices are not acceptable.

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

7. 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 contract 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.

8. Example of a CPA Formula:

Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index as published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	30%	Overseas index for material	Overseas index	Publication/Source	As per tender	As per index used
A2	45%	Overseas index for labour	Overseas index	Publication/Source	As per tender	As per index used
A3	10%	Overseas index for Transport	Overseas index	Publication/Source	As per tender	As per index used

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	15%	Fixed portion not subject to CPA	
	100%	All Weightings/Proportions must add up to 100	

(The above table is merely an example and when tenders are preparing the proposed CPA breakdown/s should be indicated. The above table can be duplicated if more than one CPA formula is to apply.)

- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted)

EG:

- If the pricing schedule has 1 line item for material - there could be 1 CPA Formula (Formula A – with a breakdown of all the material cost components)
- If there are specific line items for Labour and Transport, individual Formulae might be used.
- Each CPA formula must add up to 100.

Please note: Eskom reserves the right to negotiate CPA terms and conditions during any negotiations held with tenderers.

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Tenderers:

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

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

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

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 OR Eskom SOC Limited must be the direct importer of the goods.

Documentation to be submitted with payment:

- Commercial invoice (from the foreign supplier)

Import payments.

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

Any one of the following documents as per the mode of transportation

- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt “goods despatched”.
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa

Service- related payments

Documents to submit with payment:

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- Commercial invoice (invoice from the overseas supplier)

Applicable (Y / N)

OR

Payment Method 1B:

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)

Please note:

- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
 - a) Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.
 - b) Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
 - c) Copy of the latest application to the Reserve Bank to renew the approval.
 - d) Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

Documents to submit with payment:

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading

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- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa
All documents submitted to Eskom should not have any alterations.
The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.

Service-related payments

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:
 1. A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
 2. A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

Applicable (Y/N)

OR

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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:

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,

Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

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NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

Applicable (Y/N)

OR

Fixed ZAR Option (Payment Method 3)

This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

From a Commercial perspective, please take note of the following:

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

Applicable (Y/N)

Documents to submit with payments.

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

Import payments.

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- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the goods to the Republic of South Africa

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency

Applicable (Y/N)

Please note: Eskom will require substantiating proof of importation at the time of invoicing.

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

Take note of the following:

Service-related payment:

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1) Secondment

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with

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Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

Documents to be attached for payment:

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager.

2) Payroll Transfer

In this approach, the employee’s contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

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.

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)

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](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

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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:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. 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 dtic must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard.

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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 is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp.
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.
- 4 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:

- (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:

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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:** _____

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

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ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

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

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

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

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	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.
1.4.	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.
1.5.	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	
7.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
7.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
7.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
7.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>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.</p>	

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

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2.

(a) The applicable preference point system for this tender is the **90/10** preference point system.

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

1. Price; and
2. Specific Goals.

2.1.

The maximum points for this tender are allocated as follows:


	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

2.2. Failure on the part of a tenderer to submit proof or documentation required in terms of

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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.

2.3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

3. DEFINITIONS

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

4. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4.1. POINTS AWARDED FOR PRICE

THE 90/10 PREFERENCE POINT SYSTEMS

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

90/10

$$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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5. POINTS AWARDED FOR SPECIFIC GOALS

5.1. 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:

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)
Level 1	10	
Level 2	9	
Level 3	6	
Level 4	5	
Level 5	4	
Level 6	3	
Level 7	2	
Level 8	1	
Non-compliant contributor	0	

DECLARATION WITH REGARD TO COMPANY/FIRM

5.2. Name of company/firm.....

5.3. Company registration number:

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5.4. 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]

5.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - 4.1. disqualify the person from the tendering process;
 - 4.2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - 4.3. 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;
 - 4.4. 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
 - 4.5. forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.1.1. If so, furnish particulars:

.....
.....

3. DECLARATION

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

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

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

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

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

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

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

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

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

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

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

.....

Signature	Date
.....	
Position	Name of bidder

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Annexure J

SUPPLIER DEVELOPMENT, INDUSTRIALISATION AND LOCALISATION UNDERTAKING

The tenderer is required to submit their proposals for the categories below as a tender returnable. The outcome of the negotiations will become a contractual condition.

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

Eskom's requirements	Tender's Proposal
Sub-contracting and Local-to-site Procurement	Whenever feasible and once agreed upon, the Contractor will subcontract/procure some of its material/ goods/ services within the Waterberg District Municipality Area.
B-BBEE Level of Contribution	The Contractor will comply with the B-BBEE requirement that will be agreed upon as part of their contractual obligation. Eskom, as a State-Owned Company (SOC) is expected to do business with B-BBEE compliant Contractors. Ideally Eskom prefers to conduct its business with Contractors/Suppliers that are at least Level Four (4) contributors to B-BBEE.
Job Opportunities	<p>The tenderer to indicate number of Jobs to be created and/or retained due to this contract.</p> <p>The Contractor should ensure that all its General Workers and Semi-Skilled Workers and at least 30% of the skilled workers are recruited from within Limpopo Province.</p>

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Annexure K

CONTRACTUAL CONDITIONS


The tenderer is required to submit their proposals for the categories below as a tender returnable. The outcome of the negotiations will become a contractual condition.

CIDB Skills Development	Eskom's requirements																
<p>Eskom will apply the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 23 August 2013 (Board Notice 180 of 2013, Government Gazette 36760) ("the CIDB Skills Standard") to the contract. As such, for the purposes of the CIDB Skills Standard the "contract skills development goal" for electrical engineering works (Infrastructure) is 0.25% of the Accepted Contract Amount.</p> <p>The implementation date for Public Entities or Clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No. 23 of 2014, as amended, from which all classes of construction work with a minimum tender grade of 7 and minimum project duration of 12 months became subject to an Assessment of Compliance with the Standard for Developing Skills through Infrastructure Contracts is 01 April 2021, as published in Government Notice No. 43726.</p> <p>The contract skills development goal will be part of the contract as the above percentage of the Accepted Contract Amount. VAT is excluded from the contract amount and so will also be excluded from any contract skills development credits which can be claimed by the Contractor. Note that</p>	<p>Skills development shall have specific targets that address some of Eskom's core, scarce and critical skills. In terms of the classification system of engineering and construction works contracts most of the works is classified as Electrical Engineering and as such the Contractor will be required to propose against the following training initiatives:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #cccccc;">Skills Type</th> <th style="background-color: #cccccc;">Number of learners</th> <th style="background-color: #cccccc;">Intake</th> <th style="background-color: #cccccc;">Outcome</th> </tr> </thead> <tbody> <tr> <td>Method 1: Graduates in Electrical Engineering</td> <td style="text-align: center;">10</td> <td>S4</td> <td>National Diploma Electrical</td> </tr> <tr> <td>Method 2: Artisans (Electrical)</td> <td style="text-align: center;">15</td> <td>N6/NCV Level 4 Electrical/ TVET College Graduates</td> <td>SETA Trade Test Certificate</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">25</td> <td></td> <td></td> </tr> </tbody> </table> <p>Note: The above-mentioned Skills are a guideline. The actual skills/trade type may be negotiated. However, expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIDB CSDG is a Condition for Contract Award.</p> <p>The Tenderers are free to propose any other relevant Skills Development that will be feasible and benefit the previously disadvantaged communities. This may even include Workplace Integrated Learning (WIL) from the TVET</p>	Skills Type	Number of learners	Intake	Outcome	Method 1: Graduates in Electrical Engineering	10	S4	National Diploma Electrical	Method 2: Artisans (Electrical)	15	N6/NCV Level 4 Electrical/ TVET College Graduates	SETA Trade Test Certificate	Total	25		
Skills Type	Number of learners	Intake	Outcome														
Method 1: Graduates in Electrical Engineering	10	S4	National Diploma Electrical														
Method 2: Artisans (Electrical)	15	N6/NCV Level 4 Electrical/ TVET College Graduates	SETA Trade Test Certificate														
Total	25																

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CIDB Skills Development	Eskom's requirements
<p>any skills proposed must be in line with this requirement.</p> <p>In the case of the Standard there are no returnable documents, notwithstanding the Employer shall provide the proforma documents that shall be completed by the Contractors after award of the contract within the stipulated period. (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report).</p>	<p>Colleges within the Waterberg District Municipality Area.</p>
<p>SDL&I Performance bond</p>	<p>The Contractor shall submit a bond equivalent to 0.25% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.</p> <p>Releasing the Bond in tranches may be negotiated as an incentive to commit to SDL&I Undertakings mentioned above or that may be suggested by the Contractor.</p>

Reporting and Monitoring (applicable if Supplier committed)

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) 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.

Minimum Information Security Standard (MISS)

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Going forward all Contractors on site must supply a SAPS clearance certificate every twelve months to ensure continued access to site. This is a legal requirement: The State Security Agency (SSA) in the execution of the National Strategic Intelligence Act 39 of 1994 advised Eskom as a State-Owned Company (SOC), to comply with the requirements of Paragraph 5 of Chapter 5 of the Minimum Information Security Standard (MISS) and to implement a screening process which intends to identify individuals who might through their actions and / or behavior, could pose a risk to the operations of Eskom Holdings SOC Ltd.

The following clause will be included in the NEC: "Acceptance of this tender is subject to the condition that both the contracting company's management and its employees will provide Eskom with a clear criminal record not older than thirty (30) days from a reputable screening company. If the principal Contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor. Acceptance of the tender is also subject to the condition that the Contractor will implement all such security measures for the safe performance of the work as required in the scope of the contract."

Tenderers failing to meet Eskom's Contractual requirements will be ineligible for contract award.

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