	Investment Recovery Offer to Purchase, collect, and remove ferrous metal. MWP2891GX	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

ENQUIRY NUMBER: MWP2891GX
CLOSING DATE: 06 DECEMBER 2024

Issue Date:
18/11/2024

Ref:
MWP2891GX

Enquiry: Phallang Mokoena
017 49 5105
MokoenPg@eskom.co.za

INVESTMENT RECOVERY SECTION

Purchase, and removal of scrap ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and line hardware) on “as and when” required basis located at GROOTVLEI Power Station for a contract period of 24 months (2 years) from the date of signature.

TENDER ENQUIRY No: MWP2891GX

Eskom is the owner of **ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and line hardware)**, located at **GROOTVLEI Power Station** for a **period of 24 months**


You are kindly invited to submit an offer for the purchase, collect and remove of **ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and line hardware)**, located at **GROOTVLEI Power Station** on an “as and when” required basis as detailed in the Scope of Work and attached and attached **OFFER TO PURCHASE.**

Should you be interested in viewing the site or need more information send an email to **MokoenPg@eskom.co.za**

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1. SUBMISSION OF THE “OFFER TO PURCHASE”

Your tender returnable together with this “Offer to Purchase” document shall be hand delivered marked “Offer to Purchase Confidential Enquiry No. **MWP2891GX**” submitted as follows:

**Eskom Holding SOC Ltd
Megawatt Park Tender Office
Gauteng
Maxwell Drive
Sunninghill
Sandton
1257**

Please note: **Tenders may ONLY be submitted at this address only.**

The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.

Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.

Requests for Clarifications must be sent in writing to the respective asset disposal officer at MokoengPg@eskom.co.za All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within five (5) working days before the tender closing deadline.

The closing date is FRIDAY 06 DECEMBER 2024 AT 10:00 AM

**ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!
NO LATE OFFERS WILL BE ACCEPTED!**


2. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, (attached) noted in this letter and any amendments that accompany the TENDER ENQUIRY **MWP2891GX**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.
- 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/Request for Proposal**; 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.

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3. TENDER RETURNABLES

The tenderer must submit the returnable set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

LIST OF TENDER RETURNABLES:

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 will be disqualified.**

**** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Disposal Officer will 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 Disposal Officer within 5 working days of the request; the tender will be disqualified.**


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

4.1. Tender returnable documents.

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Basic Compliance	One (1) hard copy of the tender One original and one exact copy of the original tender to be submitted to Eskom	✓		
Annexure A	SBD 4 – Bidders Disclosure		✓	
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.		✓	
	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.		✓	
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.			✓
Annexure B	Offer to purchase form (price schedule attached and comments to price schedule)	✓		
Annexure C	Integrity Declaration Pact		✓	
Annexure D	Authority to Submit a tender		✓	

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B-BBEE	Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency		✓	
CSD	Submitted proof of the registration on National Treasury's Central Supplier Database (CSD) registration Report or MAAA registration number (Valid & Current) It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status	✓		
Second-Hand Good Certificate	Second-hand goods act certificate from SAPS/License (for scrap dealers and recyclers) (Valid & Current)		✓	
Company Registration Documents	The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest.		✓	
COID	Valid certificate of good standing		✓	
	Copies of ID Documents of Directors		✓	
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Annexure E	Safety Requirements		✓	
Annexure F	Environmental requirements		✓	
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Annexure G	Technical Requirements <ul style="list-style-type: none"> • Technical inventory list • Method statement based on scope of work 			✓
Annexure H	SECTION 37(2) AGREEMENT			

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4. SCOPE OF WORK

The scope of work will include the purchase, collection, and removal of Scrap Ferrous metal (**Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and line hardware**) on an "as and when" required basis within Eskom –GROOTVLEI Power Station for a period of **24 months** from date of signature.

The contract will be for a period of 24 months for the disposal of ferrous and the contractor should take note that that employer shall in terms of this clause: terminate the contract anytime should the need arise within the 24 months period of this interim contract.

The purchaser will be responsible for the safe collection, handling, removal, loading and transportation of the material and to clean the site and must provide their own Bins, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

Each load of metal, as removed must be weighed at a suitable weighing facility nearest to the site of collection and will be for the account of the Purchaser. The weighbridge facility must be acceptable for Eskom. An Eskom representative must witness the weighing (must sign the weighbridge documentation, name and contact details in print) and keep a copy that must be handed to the relevant Eskom Senior Official responsible for the management of the goods on behalf of Eskom. The purchaser must provide a copy of the weighbridge document to the relevant Eskom Investment Recovery Officer.

Collections and payments will be monitored by means of collection registers to be separately maintained by the purchaser and the Eskom Investment Recovery Officer. It will be the duty of the purchaser to, on a regular basis as will be requested, to the Eskom Investment Recovery Officer for main purpose to reconcile information between the contractual parties. Payment Price will be invoiced on the Monthly ITAC Metal Bulletin price as per the offer percentage.


The purchaser must assure the site be left clean at completion of their collection and removal of the goods.

The goods on sale will be identified by Eskom.

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5. FINACIAL EVALUATION

The following criteria and their individual weight in % will be used for the evaluation of price.

Evaluation Criteria	Weighting
Financial – Best price	80%
B-BBEE	20%

NOTE:

Eskom's commercial process will be followed, and this process is dependent on the decisions made by the different Eskom Adjudicating authorities.

6. Price Schedule

For costing purposes, the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap, and you must factor your costs into your prices.

For each disposal transaction the rand price will be calculated by multiplying the quoted percentage of the ITAC (**International Trade Administration Commission South Africa**) and price by the ITAC


ITEM NO	DESCRIPTION	ITAC Code	OFFERED PRICE PERCENTAGE OF ITAC METAL BULLETIN (% excluding VAT)
1	Sub grade Steel	215	
2	Heavy steel scrap	201	
3	Contaminated / Mixed Scrap	280	

It has been noted from the previous ferrous contracts that most of the high volumes of scrap is coming from the Sub grade steel category (ITAC Code 215). Based on that the evaluations on that category will be highly considered and at a favorable and fair value. suppliers should utilise the provided price schedule of price per ton, failure of which will lead to non-responsive. hereafter referred to as the total offer prices, excluding VAT, remittances in respect of the agreement are to be made payable to Eskom Holdings SOC Limited, and are to be paid within five (5) working days after sale, All payments due and payable to Eskom shall be by bank cheque or electronic bank transfer only. The contract will be for a period of 24 months for the disposal of ferrous and the contractor should take note that that employer shall in terms of this clause: terminate the contract anytime should the need arise within the 24 months period of this interim contract.

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7. NOTES

- a. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- b. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- c. Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- d. Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- e. The reactor is sold with unknown quantity of oil but any oil remaining in the equipment shall become the property of successful contractor and he will be responsible for the oil spillage.
- f. You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- g. All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site.
- h. Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.
- i. This is an open tender and only those contractors that attended the site meeting may tender.
- j. A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract.
- k. A bidder who has an open non-conformance will be disqualified and not awarded a new contract.
- l. No accommodation will be allowed on site.

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8. Environmental requirements

In terms of the National Environmental Management Act, section 28 “Every person who causes has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring.

9. GUARANTEE / WARRANTY

Eskom Holdings SOC Limited gives no guarantee or warranty to the workability or condition of the equipment for sale, other than allow each tenderer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold “Voetstoots”.

10. OFFERS

Offers received for this tender will be deemed valid for a period of THREE (3) months. (90 days) from tender closing date.

Eskom reserves the right not to accept the lowest or any tender / offer or withdraw any item it wishes to retain.

The successful purchaser will be notified.


The onus will be on the tenderer to obtain “Tax Clearance Certificate (in respect of tenders)”, from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

Only the successful tenderer will be notified.

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11. VALUE ADDED TAX (VAT)

Value Added Tax Act no 89 Of 1991 and VAT invoices will be issued on request.

DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX IT IS A CONDITION OF TENDERERS THAT:

- It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)

If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:

- Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or
- Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.
- Each party to Consortium/Sub-contractor must complete a separate declaration.

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

12. VARIATION

No variation or modification of the proposed agreement shall be in force, unless the same is confirmed in writing.

Yours Faithfully



Phallang Mokoena

Investment Recovery

Procurement & Supply Chain Management

ENQUIRY NO: MWP2891GX

CLOSING DATE: 06 DECEMBER 10:00AM


CONTACT PERSON: Phallang Mokoena

Email: MokoenaPg@eskom.co.za

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Commercially required Returnable Documentation:

Your tender must be submitted strictly in accordance with the requirements stipulated this offer to purchase, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the “Offer to Purchase” to qualify for evaluation purposes.

The contract will be for a period of 24 Months for the disposal of ferrous and the contractor should take note that that employer shall in terms of this clause: terminate the contract anytime should the need arise within the 24 months period of this interim contract.

ITEM NO	DESCRIPTION	ITAC Code	OFFERED PRICE PERCENTAGE OF ITAC METAL BULLETIN (% excluding VAT)
1	Sub grade Steel	215	
2	Heavy steel scrap	201	
3	Contaminated / Mixed Scrap	280	

This tender proof the tenderer is fully aware of the condition of the tender and the price they have offered on the tender proofs their full intention and will to purchase the scrap ferrous metal “VOETSTOOTS” as is for their price as offered.


It has been noted from the previous ferrous contracts that most of the high volumes of scrap is coming from the Sub grade steel category (ITAC Code 215). Based on that the evaluations on that category will be highly considered and at a favorable and fair value.

The offer percentage will be based on International Trade Administration Commission South Africa (ITAC) ONLY.

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Please provide full and proper details according to the requirements below. Incomplete or unclear Tender Documentation can be rejected.

OFFER SUBMITTED BY:

NAME: **SIGNATURE:**

Date: **CELL:** **E- mail:**

Who are legally authorized to provide this tender on behalf of:


BUSINESS NAME: **TEL.:**

CSD NUMBER:

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ANNEXURE A: SBD4

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

- 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**

- 2.3.1 If so, furnish particulars:

.....
.....


3 DECLARATION

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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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.
- 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.
- 3.6 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

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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ANNEXURE B: OFFER TO PURCHASE FORM

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices.

For each disposal transaction the rand price will be calculated by multiplying the recent price of the applicable ITAC (International Trade Administration Commission South Africa) code, the quoted price percentage of ITAC metal bulletin and the weight as per the weighbridge slip excl VAT.

The below three ITAC price categories will apply


ITEM NO	DESCRIPTION	ITAC Code	OFFERED PRICE PERCENTAGE OF ITAC METAL BULLETIN (% excluding VAT)
1	Sub grade Steel	215	
2	Heavy steel scrap	201	
3	Contaminated / Mixed Scrap	280	

Note : The table above must be completed full and return with the offer on the closing date of the RFQ. The contract will be for a period of 24 months for the disposal of ferrous and the contractor should take note that that employer shall in terms of this clause: terminate the contract anytime should the need arise within the 24 months months period of this interim contract.

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ANNEXURE C

INTEGRITY DECLARATION PACT

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

DECLARATION OF INTEREST

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

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


1.a juristic person is “related” to another juristic person if:-

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the

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tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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


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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><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	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage


Other Entities*:

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

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

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

Joint Ventures

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


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

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

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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/Request for proposal.

ANNEXURE D: AUTHORITY TO SUBMIT A TENDER

Indicate the status of the *tenderer* by ticking the appropriate box hereunder. The *tenderer* must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company or organisation document which provides the same information for the relevant category as requested here.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR


A. Certificate for company

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board taken on (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

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Signed:	Date:
Name:	Position: (Chairman of the Board of Directors)

B. Certificate for close corporation


I,, member of
, hereby confirm that by majority vote of the members taken on
 (date), Mr/Ms, acting in the
 capacity of, was authorised to sign all documents in connection with
 this tender offer and any contract resulting from it on behalf of the company.

Signed:	Date:
Name:	Position: (Member)

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C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as hereby authorise Mr/Ms acting in the capacity of to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.


Name	Address	Signature	Date

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

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D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, an authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.

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


Furthermore 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.

Name of firm	Address	Authorising signature, name and capacity
Lead partner		

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E. Certificate for sole proprietor


I,, hereby confirm that I am the sole owner of the business trading as

Signed:	Date:
Name:	Position: (Sole Proprietor)

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ANNEXURE E: SAFETY REQUIREMENTS

<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
A	OHS Legal Requirements to be met by Contractors at Execution Stage		
1	1. Registration with South African Police Services <ul style="list-style-type: none"> • Proof of registration as Second-hand dealer 	✓	
	<ul style="list-style-type: none"> • Proof of registration as Recycler 	✓	
2	Acknowledgement of Eskom's SHE rules, Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B). Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory	✓	
3	SHE Competency; proof of the following training certificates. <ul style="list-style-type: none"> • First aid level 2, • Risk Assessor 	✓	
4	OHS Legal Appointment letters for the following persons <ul style="list-style-type: none"> • First aid level 2, • Risk Assessor 	✓	
5	Occupational, Health and Safety Plan (OHS Plan) <ul style="list-style-type: none"> • This must be relevant to the Scope of work. 	✓	
6	Health and Safety Policy signed by the CEO or MD, <ul style="list-style-type: none"> • Company Health and safety Policy signed by CEO or MD. The health and safety policy statement must be actionable. 	✓	
7	Occupational Health programme <ul style="list-style-type: none"> • Valid Medical Fitness Certificate for all involved employees issued by the Occupational Medical Health Services/practitioner 	✓	

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<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
8	Substance Abuse Management <ul style="list-style-type: none"> Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours 	✓	
9	Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, <ul style="list-style-type: none"> Your COID must depict the correct/ relevant nature of business, e.g. Scrap Metal Dealer etc. Copy must be certified not older than 3 months at the date and time of the tender closing 	✓	
10	Baseline Risk Assessment <ul style="list-style-type: none"> Risk assessment should address all activities involved in collecting scraps.) 	✓	

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ANNEXURE F: ENVIRONMENTAL REQUIREMENTS

Number	Environmental Management System (EMS) Requirements	
1.	Environmental Policy	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.
2.	Emergency preparedness plan (EPP)	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details
3.	Waste Management strategy/Plan	Waste management plan on how waste collected/bought will be Handled, Stored, Transported, Recycled, Re-used will be managed. Note: Parts of the scraps that will be disposed should be done at licenced Municipal landfill sites
4.	Compliance obligations	Should be included on the EMP
5.	Operational Controls	Aspects and Impacts register associated with the scope of work

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ANNEXURE G: TECHNICAL EVALUATION CRITERIA


Technical evaluation is going to be two phase, desktop evaluation and site visit inspection. It will be an inherent requirement for each tenderer to demonstrate their technical capability to perform the requirement of the contract.

Technical evaluation criteria (100%)	Weight
Approach and Methodology <ul style="list-style-type: none"> Does the contractor have necessary technical and mechanical ability, and have the acumen to manage and process the project quantities for the project? Does the contractor have experience of the industry and display an ethical track record in line with the Second-Hand Good Act? Is there confidence that the contractor will be able to perform in this contract effectively, efficiently, timeously, and economically? 	100%
Total	100%

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The following criteria and their individual weight in % will be used for the evaluation of technical proposal.

Questions – Evaluation of a Scrap Dealer

(RATE COMPANIES 1-5, 1 – POOR, 2 – FAIR, 3 – AVERAGE, 4 – GOOD AND 5 – EXCELLENT)

Scrap Dealer's Name: _____

Location: _____


	1	2	3	4	5
Company Documentation					
Vat / Tax Certificate					
Registration at any relevant industry					
Second Hand Act Registration for scrap or recycling.					
Safety Policy					
Environmental Policy					
Safety File					
Coida					
Site/ Yard Cleanliness					
Oil spills Kit					
Suitable Fire Fighting Equipment					
Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					
Type of trucks					
Number of Trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: _____

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ANNEXURE H

SECTION 37(2) AGREEMENT

CONCLUDED BETWEEN

Eskom Holdings SOC Limited

AND

.....

(Name of contractor/supplier)

I,*[(insert name of person representing contractor/supplier company)]*representing *[insert name of contractor/supplier]*, do hereby acknowledge that *[insert name of contractor/supplier]* is an employer in his/her own right, with duties as prescribed in the Occupational Health and Safety Act No. 85 of 1993 ("the Act"), as amended, and agree to ensure that all work will be performed and/or machinery or plant used in accordance with the provisions of the Act.

I undertake that *[insert name of contractor/supplier]* shall strictly adhere to, and ensure that his/her employees adhere to, the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

I have been provided with SHE specifications for project/service*[insert brief details of project/service, for example, name, contract/project number]* and will comply with the requirements set out in these.

I accept and agree that the SHE specifications constitute arrangements and procedures between *(insert name of contractor/supplier)* and *[insert name of subsidiary or Eskom Holdings SOC Limited]* which will ensure compliance by *[insert name of contractor/supplier]* with the provisions of the Act, as contemplated in section 37(2) of the Act.

This agreement constitutes the sole agreement between the parties, and no variation, modification, or waiver of any of the provisions of this agreement or consent to any departure from these shall, in any manner, be of any force or effect, unless confirmed in writing and signed by both parties, and such variation, modification, waiver, or consent shall be effective only in the specific instance and for the specific purpose and to the extent for which it was made or given.

This agreement is signed on behalf of the parties, each signatory to this warranting that he/she has the requisite authority to do so.

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Signed this day of 20 at

..... (Place)

(Full Name)..... (Signature)on

behalf of **(Contractor/supplier)**

Contractor Responsible Manager (*responsible for signing the contract on behalf of the contractor/supplier*)

Witnesses

1.

2.

Signed this day of 20 at (Place)

(Full name)..... (Signature) on

behalf of [insert name of subsidiary or Eskom Holdings SOC Limited]

(Contracts and/or Project Manager or Representative)

Witnesses

1.

2.

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