

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	11	
		<b>Effective Date</b>	18 February 2022			
		<b>Review Date</b>	February 2027			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**

**Replacement of Obsolete Emergency Diesel Generator  
A at Drakensberg Pumped Storage Scheme**

<b>Tender number</b>	<b>WCPK1045LH</b>
<b>Issue date</b>	<b>29 July 2022</b>
<b>Closing date and time</b>	<b>30 August 2022 at 10h00</b>
<b>Tender validity period</b>	<b>150 days from the closing date and time</b>
<b>Clarification meeting</b>  The Meeting will also be physically held at the Drakensberg Pumped Storage Scheme Main Boardroom, Ground Level Location: In the Northern Drakensberg mountains in KwaZulu-Natal, close to the town of Bergville - GPS Coordinates: Drakensberg -28.565829 29.083851	<b>18 August 2022 Optional Virtual Site Clarification Meeting via Microsoft Teams at 11:00.</b>  This meeting is not compulsory but highly recommended.  It is recommended that the Supplier attend this meeting to ensure correct completion of tender docs, and to view the Diesel Gen Plant Room to obtain a full picture of the scope and specifications to assist with pricing.
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>The Tender Office</b> <b>Eskom Holdings SOC Limited</b> <b>Eskom Road</b> <b>Eskom Brackenfell Main Store Building</b> <b>Ground Floor, Western Cape, 7535</b>

**CIDB - Gatekeeper - Estimated CIDB Grading of 4 ME or 4EB or Higher**

**SDL&I - Subcontracting to EME 1 or 2 = minimum 10%**

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the:  
**Replacement of Obsolete Emergency Diesel Generator  
A at Drakensberg Pumped Storage Scheme**

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

- Free of charge

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

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

Yours faithfully




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Marna Bester

Procurement Manager, Peaking Operating Unit

Date: 29 July 2022

Enquiries:

Lorna Hendricks

021 941 5728

[hendrial@eskom.co.za](mailto:hendrial@eskom.co.za)

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.10	SBD4	Bidder's Disclosure	Y

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b>  The <i>Eskom Representative</i> is: Name: Lorna Hendricks Tel: 021 941 5728 E-mail: <b>hendrial@eskom.co.za</b>
1.3 Enquiry documents	The Invitation to tender number is : <b>WCPK1045LH</b> See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole/parts of the contract.

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2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if</p> <ul style="list-style-type: none"> <li>• Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> <li>• Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>• [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>• A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if : <ul style="list-style-type: none"> <li>○ (a)they have a controlling partner/majority shareholder in common; or</li> <li>○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p> </li></ul>
2.2 -2.5 Tender Closing	The deadline for <b>Tender</b> submission is: Date <b>30 August 2022</b> Time <b>10h00</b> <b>Late Tenders will not be accepted</b>

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	<p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:  <b>The Tender Office</b>  <b>Eskom Holdings SOC Limited</b>  <b>Eskom Road</b>  <b>Eskom Brackenfell Main Store Building</b>  <b>Ground Floor, Western Cape, 7535</b></p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline (2 separate envelopes, as only the duplicate copy is sent to Procurement for Evaluations. If possible, please submit an additional complete soft copy of the original tender in electronic format (memory stick) in the duplicate/copy file or have an electronic copy available when requested by the procurement practitioner for evaluations, as the evaluation team members are at remote sites and locations.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 150 days
2.16 Site/clarification meetings	<p>A <b>clarification meeting and site visit</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 18 August 2022  Time: 11:00  Venue: Virtual via <b>Microsoft Teams</b></p> <p><b>The Meeting will also be physically held at the Drakensberg Pumped Storage Scheme Main Boardroom, Ground Level at the same date and time</b>  <b>Location: In the Northern Drakensberg mountains in KwaZulu-Natal, close to the town of Bergville - GPS Coordinates: Drakensberg -28.565829 29.083851</b></p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b>allowed</b> in respect of the latest technology. If an Alternative Tender is submitted, Tenders must first Tender on the main submission or their tenders will be disqualified, and the alternative tender will not be perused/considered.

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	<p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> <li>• A different completion date.</li> <li>• A different payment method.</li> <li>• Different technical methods and specifications</li> </ul> <p>A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract</p>
2.25 Conditions of contract	The conditions of contract will be the <b>NEC3 Engineering and Construction Short Contract</b>
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on:  Place: 30 August 2022  Date: Tender Office, Brackenfell  Time: 10:00</p>
3.5 Prices to be read out	Prices will not be read out.
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.11 Pre-qualification criteria	<p>Pre-qualification criteria is <b>not applicable</b></p> <p><b>Subcontracting to EME 1 or 2 = minimum 10% is mandatory</b></p> <p>include the following: -</p> <ul style="list-style-type: none"> <li>• signed sub-contracting intent agreement / signed sub-contracting agreement between the main contractor and sub-contractor,</li> <li>• original or certified copy of B-BBEE certificate or original/certified signed sworn affidavit of subcontractor</li> <li>• company registration documents for all sub-contractors</li> </ul>

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	<ul style="list-style-type: none"> <li>• certificate from Department of Military Veterans in the event that the subcontracted entity is at least 51% owned by black people who are military veterans,</li> <li>• proof of address in the event that the subcontracted entity is at least 51% owned by black people from rural or underdeveloped areas or townships,</li> <li>• share certificates in the event that the a company or a Co-operative,</li> <li>• ID copy of the owner in the event that the subcontracted entity is at least 51% black youth owned,</li> </ul> <p>If the relevant documentation/information as stipulated in the enquiry is not submitted; said tenders will be disqualified.</p>
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3.12 Designated materials and thresholds	Designated material thresholds are <b>not applicable</b>
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3.13 Functionality requirements	<p>Functionality requirements <b>are applicable</b></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1" style="width: 100%;"> <tr> <th>Criteria</th> <th>Weight</th> </tr> <tr> <td>Compliance to A/B Schedule</td> <td>75%</td> </tr> <tr> <td>Experience</td> <td>25%</td> </tr> <tr> <td>Threshold</td> <td>70%</td> </tr> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>	Criteria	Weight	Compliance to A/B Schedule	75%	Experience	25%	Threshold	70%
Criteria	Weight								
Compliance to A/B Schedule	75%								
Experience	25%								
Threshold	70%								

Functional Requirement/Technical Evaluation Criterion in Detail							
TECHNICAL EVALUATION OF							
Task Description	Drakensberg Pumped Storage Scheme Emergency Diesel Generator A Replacement						
Evaluator Discipline	Auxiliaries & Ancillaries						
Evaluated By	Richard Marr						
Evaluator Signature							
Date of Evaluation							
	Criteria	Measure	Evidence	Score Allocation	Tenderers Score in (%)	Evaluation criteria Weight (100%)	Weighted Score (%)
1	Compliance to A/B Schedule	Compliance to A/B schedule	Completed A/B Schedule	5 - 100% completed A/B schedule, with 100% compliance 4 - 100% completed A/B schedule, with >90% compliance 2 - 100% completed A/B Schedule, with >80% compliance 0 - Incomplete A/B schedule or less than 79% compliance		75	0
2	Experience	Number of similar projects completed with customer references. Similar = Design, installation & commissioning of large Diesel Gen Sets (<800 kW)	Project list, with contactable references	5 - 5 or more similar projects completed 4 - 3 or 4 similar projects completed 2 - 1 or 2 similar projects completed 0 - No references provided		25	0
<b>TOTAL (%)</b>						100	0
<b>Minimum Threshold of 70% required by supplier</b>							>70%

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3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• Making the specified correction for arithmetical errors</li> <li>• Excluding contingencies in any bill of quantities or activity schedule.</li> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• 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.</li> <li>• Unconditional discounts must be taken into account for evaluation purposes;</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ul> <p>Prices will be scored out of 80 or 90 points</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> <li>• 90/10 (for estimated values above R50M inclusive of VAT) or</li> <li>• 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or</li> </ul> <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria (if applicable)	<p>Objective criteria <b>are applicable</b></p> <p>The following objective criteria apply:-</p> <ul style="list-style-type: none"> <li>• Safety, Health and Environment</li> <li>• Quality</li> </ul> <p><b>Please note:-</b></p>

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	<ul style="list-style-type: none"> <li>“Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</li> <li>Tenderers will not be disqualified if they do not comply with the objective criteria</li> <li>Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</li> </ul>
Contractual Requirements (if applicable )	<p>Contractual Requirements include the following :</p> <ul style="list-style-type: none"> <li>SHEQ requirements and SDL and I (Supplier Localization Development and Industrialization)</li> </ul> <p><b>Please Note:</b>  <b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</b>  <b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b>  <b>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.</b></p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p>CIDB Requirements <b>are applicable</b>  <b>Estimated CIDB Grading of 4 ME or 4EB or Higher</b></p> <ol style="list-style-type: none"> <li>It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading of 4ME or 4EB or higher</li> </ol> <p style="text-align: center;">OR.</p> <ol style="list-style-type: none"> <li>Joint ventures are eligible to submit tenders provided that :-           <ul style="list-style-type: none"> <li>3.1 every member of the Joint venture (JV) is registered with the cidb;</li> <li>3.2 the lead partner has a contractor grading designation in the ME or EB*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.</li> <li>3.3 the combined contractor grading designation calculated in accordance with the cidb regulations is equal to or higher</li> </ul> </li> </ol>

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	<p>than a contractor grading designation determined in accordance with the sum tendered for a or .....* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations</p> <p><b>Please note:</b>  <b><i>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.</i></b></p>
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**Please note:**

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

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

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

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

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

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### 1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓	
<b>Pre-qualification criteria :</b> <ul style="list-style-type: none"> <li>• <b>B-BBEE levels/EME/QSE</b></li> <li>• <b>Sub-contracting to designated groups</b></li> </ul> <p><b>Please Note that :</b>  “proof of B-BBEE status level of contributor” means-</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p> <p>If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified</p>	<b>“Proof of B-BBEE status level of contributor”</b> for main contractor		✓
	CSD number		✓
	Signed Sub-contracting intent agreement		✓
	<b>“Proof of B- BBEE status level of contributor”</b> for sub-contractor belonging to designated group		✓
	Any other supporting documents to verify the status of the main contractor or sub-contractor( as may be stipulated in 3.11)		✓

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<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
<b>SBD4</b>	Bidder's Disclosure	✓	
<b>Supplier Development &amp; Localisation</b>	<b>Subcontractors Agreement and BBEE Grading is very important and to be submitted by tender Closing date by all means possible.</b>		✓
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	<b>“proof of B-BBEE status level of contributor”</b> 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; (as may be applicable for the particular tendering entity )	✓	
	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.		✓

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<p><b>*“proof of B-BBEE status level of contributor” means:-</b>  <b>(a) the B-BBEE status level certificate issued by an authorised body or person; or</b>  <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b>  <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b></p>	<p>Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> 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 and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p>	<p>✓</p>	
<p><b>Tax Clearance Certificates</b></p>	<p>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.</p>		<p>✓</p>
<p><b>Compliance with Employment Equity Act</b></p>	<p>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)</p>		<p>✓</p>
<p><b>CIDB</b></p>	<p>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</p>	<p>✓</p>	

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<b>Shareholding</b>	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
<b>NEC/FIDIC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data.	✓	
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</b>			
<b>Safety</b>	<b>Annexure C 1: OHS Tender Evaluation Template</b>		✓
<b>Quality</b>	<b>Category 1 – Quality Requirements</b>		✓
<b>Other safety/quality documents as required per scope of works</b>	The SHE and Quality Returnables attached to be submitted by Tender Closing date by all means possible to expedite evaluation processes.		✓
<b>Environmental</b>	Documents that may be required as per scope of work		✓
<b>Due Diligence</b>	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

We are in receipt of the Invitation to Tender/Proposal 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 / RFP 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.

Invitation to Tender/Request for Proposal No: \_\_\_\_\_

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

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

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

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

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.

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4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom’s Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
7. 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

- 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. Black people
  - b. Black people who are youth
  - c. Black people who are women
  - d. Black people with disabilities
  - e. Black people living in rural or underdeveloped areas or townships
  - f. Cooperatives which are 51% owned by Black people
  - g. Black people who are military veterans

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

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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"/>
-----	--------------------------	----	--------------------------

**A. 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: \_\_\_\_\_

**B. 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.

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<b>Legal Name of Joint Venture Member</b>	<b>Full Name and Capacity of Authorised Signatory</b>	<b>Signature</b>

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

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

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- 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:-
  - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
  - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
  - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1) ) ; and
- a 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”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

- abused the institution's procurement process (e.g. bid rigging/collusion)
- 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><b>[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].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>	
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>	
1.3	<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.	

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1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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

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

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

**Joint Ventures**

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

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

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

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

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**ANNEXURE G**

**SBD 1**

**PART A  
INVITATION TO BID**

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

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


<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)	<input type="checkbox"/> Yes		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 ]
<b>SIGNATURE OF BIDDER</b> .....	<b>DATE</b>		
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b> (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. 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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 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.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE

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PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

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

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

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**Annexure H**

**SBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- 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 value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE

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status level of contribution are not claimed.

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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

6.1 B-BBEE Status Level of Contributor: = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

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

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		

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<b>OR</b>		
Any EME		
Any QSE		

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

8.1 Name \_\_\_\_\_ of  
company/firm:.....

8.2 VAT \_\_\_\_\_ registration  
number:.....

8.3 Company \_\_\_\_\_ registration  
number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
.....  
.....  
.....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
  - Supplier
  - Professional service provider
  - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in  
business:.....

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

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- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p>
--	---

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