

	<b>Investment Recovery Offer to Purchase Template MWP1781DIS</b>	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

**PURCHASE, COLLECTION AND REMOVAL OF VARIOUS SCRAPPED AND DAMAGED KVA TRANSFORMERS AND MINI SUBS FROM VARIOUS SITES IN THE JOHANNESBURG ZONE FOR A PERIOD OF 12 MONTHS.**

**ENQUIRY NUMBER: MWP1781DIS**

**CLOSING DATE : 15 DECEMBER 2022 @ 10:00 AM**

Issue Date:  
**24 OCTOBER 2022**

Ref:  
**MWP1781DIS**

Enquiry:  
NICO BARENDSE  
+27 17 749 5130  
[barendn@eskom.co.za](mailto:barendn@eskom.co.za)

## **INVESTMENT RECOVERY SECTION**

**PURCHASE, COLLECTION AND REMOVAL OF VARIOUS SCRAPPED AND DAMAGED KVA TRANSFORMERS AND MINI SUBS FROM VARIOUS SITES IN THE JOHANNESBURG ZONE FOR A PERIOD OF 12 MONTHS.**

### **TENDER ENQUIRY No. - MWP1781DIS**

Eskom is the owner of **various scrapped and damaged KVA transformers and mini subs**, located at various sites in the Johannesburg Zone

You are kindly invited to submit an offer for the purchase, collection and removal scrap **damaged KVA transformers and mini subs from various sites in the Johannesburg Zone** on Behalf of **GAUTENG OPERATING UNIT** on "AN AS AND WHEN" required basis as detailed in the Scope of Work and attached OFFER TO PURCHASE.

## **1. INSPECTION AND VIEWING**

For commercial clarification, direct your questions to Nico Barendse on email [barendn@eskom.co.za](mailto:barendn@eskom.co.za) not later than Thursday, **08 December 2022 at 16:00, 7 working days before tender closing date.**

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## 1. SUBMISSION OF THE “OFFER TO PURCHASE”

Your returnable, as submitted by you on the “Offer to Purchase” document must be submitted on **two (2) identical files (complete original, plus one (1) hard copy of the original)** placed in a sealed envelope and marked, **Offer to Purchase Confidential Enquiry No. GOU002NB** and submitted as follows:

- by posting in Eskom’s Tender Box situated at, Eskom Megawatt Park, Maxwell Drive, Sunninghill.

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




**The closing date is 10:00 AM on THURSDAY, 15 DECEMBER 2022.**

**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, (July 2018) noted in this letter and any amendments that accompany the TENDER ENQUIRY **MWP1781DIS**
- The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

STANDARD CONDITIONS OF TENDER	AGREEMENT 37.2	TST 41-61
 D:\User\2007\ INVATATION TO TENI	 Section 37 2 Agreement 2010 Esk	 TST 41-61 Standard.doc

## 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).

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## LIST OF TENDER RETURNABLES:

### 4.1. Tender returnable documents.

Completed Offer to purchase form
Valid SARS Tax Clearance Certificate
Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency
Letter of good standing with COID or insurance body.
Second hand goods certificate from SAPS/License
CSD Registration Documents
CIPRO Registration Documents
Copies of ID Documents of Directors
Completed SBD 4 Form

**Tenders must be submitted strictly in accordance with the requirements stipulated above together with the completed offer to purchase form, incomplete tenders will not qualify for consideration and further evaluations, declarations are to accompany the “Offer to Purchase” to qualify for evaluation purposes.**

## 5. EVALUATION PROCESS AND CRITERIA

### 5.1. BASIC COMPLIANCE

#### ANNEXURE A

#### 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

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- 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 :-**
    - 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));
    - Either is a subsidiary of the other; or
    - 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.

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

If any employee/ director/ member/ shareholder/ owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation (Y/N) to undertake

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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 your answer is Yes, attach proof to this declaration.

## **ANNEXURE B**

### **DECLARATION OF FAIR TENDERING PRACTICES**

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

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

- abused the institution's procurement process (e.g. bid rigging/collusion)
- 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	
		Yes	No
1.1	Is the <i>tenderer/s</i> (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and 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> ).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/ tendering processes/ procedures during the past five years?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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.

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

## 5. SCOPE OF WORK

The scope of work will include the purchase, collection and removal of **various scrapped KVA transformers and minisubs (Transformers from Sizes between 10 to 500 KVA) at various sites in Johannesburg Zone on an “as and when” required basis for a period of 12 Month.**

**The purchaser must assure that Eskom site is clean at completion of their collection and removal of the goods**

The successful bidder/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 qualified labor and suitable certified plant, machinery, equipment and transport for this purpose.

Each load of transformers, 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, add name and contact details in print) and keep a copy that must be handed to the relevant Eskom 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 provide documentation, on a regular basis as will be requested, to the Eskom Investment Recovery Officer to reconcile information between the contractual parties.

**The goods on sale will be identified by Eskom representatives.**

## NOTES

- 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.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.

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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. 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.

f. All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site

g. Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.

h. This is a open tender and only those contractors that attended the site meeting may tender.

i. No accommodation will be allowed on site.

j. 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.

k. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.

## 6. FINACIAL EVALUATION

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

<b>Evaluation Criteria</b>	<b>Weighting</b>
Financial – Best price	80%
B-BBEE	20%

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

## 7. PRICE SCHEDULE

**Note:** No price to be submitted at the tender closing date.

- Tenders with prices will be disqualified
- Bidders will be given the chance to bid with their prices on the e-auction platform after the enquiry closing date

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**e-Auction will be applicable as follows:**

- **Pricing will not be submitted** at tender closing but via e-Auction at date to be communicated by Eskom;
- **The following documents are included in the enquiry as part of e-Auction:**
  - **Annexure A.1 – Acknowledgement Form – Reverse e-Auctioning Training** (To be completed & signed and returned)
  - **Annexure A.2 – Definition of Reverse E-auctioning** (For Reading)
    - **User Guide** (Information purposes – not be returned to Eskom)

<b>DESCRIPTION/SCOPE</b>
Various Transformers from Sizes between 10 to 500 KVA

## **8. 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:

- 8.1 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.
- 8.2 The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 8.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:
- 8.4 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
- 8.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.
- 8.6 Each party to Consortium/Sub-contractor must complete a separate declaration.

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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.

## 9.Environmental requirements

The intended activities at the Eskom Sites will have an impact on the environment and as such have to be properly management. Proper management requires that there is compliance with all the relevant pieces of legislation that impact on the development or intended activities. Therefore, the list below indicates the pieces of legislation that impact on the proposed activities. It is important that the Construction Team complies with these. Non-compliance will be unwise and may prove to be very costly for the organisation.

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i>  List of activities and competent authorities identified in terms of sections 24 and 24d
National Environmental Management Act	107 of 1998, as amended	Protects the rights of all citizens to a healthy and safe environment
Atmospheric Pollution Prevention Act	45 of 1965	Control all activities that pollute the air <i>Dust control during construction –Applicable during the clearing of yard-stones</i> <i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various other activities, which may have a detrimental effect on the environment. <i>Waste management</i> <i>Application of waste disposal permit</i> <i>Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner’s gates and fences <i>Climbing or crawling over or through fences without permission</i> <i>Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances.

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ACT NAME	ACT NO	NOTES/REMARKS
		<i>NB: no hazardous substances will be used during this phase of construction</i>
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment. <i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste</i> <i>Regulations relating to nuisances</i> <i>NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

## 10. 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 buyer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold "Voetstoots".

## 11. OFFERS

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

**Only 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.

## 12. VARIATION

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

Yours Faithfully



**Nico Barendse**  
Investment Recovery  
Procurement & Supply Chain Management

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**ENQUIRY NO:** **GOU002NB**  
**CLOSING DATE:** **15 December 2022**  
**CONTACT PERSON:** Nico Barendse  
**Email:** [barendn@eskom.co.za](mailto:barendn@eskom.co.za)

**NB!** 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.  
A bidder who has an open non-conformance will be disqualified and not awarded a new contract

**This tender proves the tenderer is fully aware of the condition of the tender, proves their full intention and will to purchase the various scrapped KVA transformers “VOETSTOOTS” as is for the price offered (Prices will be offered on E-auction).**

**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:**.....**CSD NUMBER:**.....

**BUSINESS ADDRESS:**.....

**TEL:**.....

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