

	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

The Supply and Delivery of 368 Mobile Telephone (Ulefone Armor 19T, Android 12) devices on a ‘once off’ order for the Central East Cluster (Kwa-Zulu Natal Operating Unit and Free State Operating Unit)

Tender number	KZN105
Issue date	19 October 2023
Closing date and time	14 November 2023
Tender validity period	4 months from the closing date and time
Clarification meeting	<p>An “Online MS Teams Meeting” with representatives of the Employer, will take place as follows:</p> <p>Date: 31 October 2023 Time: 10H00am Venue: MS Teams Meeting</p> <p>Join on your computer, mobile app or room device Click here to join the meeting</p> <p>Meeting ID: 321 002 027 533 Passcode: GSqEpi Download Teams Join on the web Or call in (audio only) +27 21 834 0825,,832270468# South Africa, Cape Town Phone Conference ID: 832 270 468# Find a local number Reset PIN Learn More Meeting options</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	THE TENDER OFFICE Eskom Commercial Building 25 Valley View Road New Germany 3620

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		Effective Date	February 2023		
		Review Date	February 2028		

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the **Supply and Delivery of 368 Mobile Telephone (Ulefone Armor 19T, Android 12) devices on a ‘once off’ order for the Central East Cluster (Kwa-Zulu Natal Operating Unit and Free State Operating Unit).**

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

1. Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this invitation will be deemed as your acceptance of the Eskom Standard Conditions of Tender.

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

Yours faithfully



Thandi Xaba
Acting Procurement Manager
CentralEast Cluster
KZN Operating Unit
CEC KZN5273

Date: 18 October 2023

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

Number	Description	Annexure	Attached
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form	Annexure C	Y
1.1.4	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.5	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.6	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.7	Reverse e-auction training acknowledgement form		
1.1.12	Reverse e-auction process		

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data																					
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is: Name: Dawn Geeson E-mail: geesond@eskom.co.za</p>																					
1.3 Enquiry documents	<p>The Invitation to tender number is: KZN105</p> <p>All relevant documentation for this Tender Enquiry will be published on :</p> <ol style="list-style-type: none"> 1. Eskom's Tender Bulletin 2. National Treasury Etender Portal <p>It is the responsibility of the Tendering Company to ensure that all the requested documentation is downloaded, completed in full and submitted as follows:</p> <table border="1"> <thead> <tr> <th>PART</th> <th>ORIGINAL</th> <th>COPY</th> </tr> </thead> <tbody> <tr> <td>PART ONE Commercial Requirements</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>PART TWO SDL & I Requirements</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>PART THREE Technical Requirements</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>PART FOUR Safety Contractual Requirements</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>PART FIVE Quality Contractual Requirements</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>PART SIX Environmental Contractual Requirements</td> <td>✓</td> <td>✓</td> </tr> </tbody> </table>	PART	ORIGINAL	COPY	PART ONE Commercial Requirements	✓	✓	PART TWO SDL & I Requirements	✓	✓	PART THREE Technical Requirements	✓	✓	PART FOUR Safety Contractual Requirements	✓	✓	PART FIVE Quality Contractual Requirements	✓	✓	PART SIX Environmental Contractual Requirements	✓	✓
PART	ORIGINAL	COPY																				
PART ONE Commercial Requirements	✓	✓																				
PART TWO SDL & I Requirements	✓	✓																				
PART THREE Technical Requirements	✓	✓																				
PART FOUR Safety Contractual Requirements	✓	✓																				
PART FIVE Quality Contractual Requirements	✓	✓																				
PART SIX Environmental Contractual Requirements	✓	✓																				
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> 1. An open Invitation to tender 																					
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.																					

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

2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ol style="list-style-type: none"> 1. 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. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ol style="list-style-type: none"> 1. (a)they have a controlling partner/majority shareholder in common; or 2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is :</p> <p>Date 14 November 2023 Time 10:00 AM</p> <p>Late Tenders will not be accepted</p>

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Effective Date	February 2023		
Review Date	February 2028		

	<p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Commercial Building 25 Valley View Road New Germany 3620</p> <p>It is to be noted that Tender Advice Officials are at Eskom Tender Office, during the following office times:</p> <p>Monday to Friday, from 07H30 until 16H00 (prior to tender closing date)</p> <p>Please note that no tender documents will be accepted after the stipulated tender closing date and time.</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.</p> <p><u>Where a Tenderer does not submit 1 complete original tender, plus one (1) complete hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</u></p>
2.13 Tender Validity Period	<p>The tender validity period is 4 months from the tender closing date and time.</p>
2.16 Site/clarification meetings	<p>An online MS Teams Clarification Meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 31 October 2023 Time: 10H00am Venue: MS Teams Meeting</p> <p>Join on your computer, mobile app or room device <u>Click here to join the meeting</u> Meeting ID: 321 002 027 533 Passcode: GSqEpi <u>Download Teams</u> <u>Join on the web</u> Or call in (audio only) <u>+27 21 834 0825,,832270468#</u> South Africa, Cape Town Phone Conference ID: 832 270 468# <u>Find a local number</u> <u>Reset PIN</u> <u>Learn More</u> <u>Meeting options</u></p>

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

	<p>Tenderers may confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p> <p>The Eskom Representative is: Name: Dawn Geeson E-mail: geesond@eskom.co.za</p> <p>A non-compulsory “Online Clarification Meeting” on Microsoft Teams will take place, whereby a Presentation will be made in order to assist all contractors in complying with Eskom’s tender requirements.</p> <p>Although this will not be a Compulsory Clarification Meeting, Contractors are encouraged via this Invitation to Tender, to attend this MS Team Meeting, to ensure that all Companies clearly understand the Tender Requirements and are able to submit a responsive tender.</p> <p>The Tender Requirements will be discussed at the MS Teams Clarification Meeting and the Subject Matter Experts will present the Tender Requirements, to the Tenderers.</p> <p>All Clarification Questions with Answers will be published on Eskom Tender Bulletin and the National Treasury E-tender Portal.</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 not allowed.
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of the acceptable financial institutions that the tenderer may approach must be submitted to the tenderer at the time of negotiations.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline; however, no public tender opening will be held
3.5 Prices to be read out	<p>Prices will not be read out. Prices are not requested in this enquiry. The reverse E-Auction process will be utilised</p> <p><u>Reverse e- auction process</u></p> <ul style="list-style-type: none"> ▪ Suppliers will return all tender returnables at tender closing except prices, ▪ No prices shall be priced at tender closing, Prices shall be submitted Via Eskom’s “Reverse E-Auction” ▪ Tenderers shall be allocated points during the auction process in accordance with the B-BBEE Evaluation Scorecard 80/20 preference point system.

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

	<p><u>The reverse e – auction platform will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. In the event that the E-Auction platform is problematic post-tender negotiations will be entered into.</u></p>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer 2. 1 complete original tender, plus one (1) complete hard copy of the original tender at tender submission deadline. 3. Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information 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.</p> <p><u>Mandatory Requirements:</u></p> <p><u>Commercial Mandatory Returnable (Disqualifiable)</u> These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender must be disqualified.</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) original plus one (1) complete hard copy of the original tender to Eskom. • CSD Registration – Companies are required to provide a valid CSD (MAAA.....) number. • <p><u>Commercial Mandatory Returnable (Non - Disqualifiable)</u> These returnable are also required to be fully completed, signed and submitted with the Tender, at Tender closing date and time. However, if not submitted by Tender closing, the Procurement Practitioners will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender will be disqualified.</p> <ul style="list-style-type: none"> • Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender. • Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender. • Fully complete and sign the SBD 6.4 standard bidding document.

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

- Annexure C – Integrity Declaration form.
- Reverse e-auction Training Acknowledgement
- Signed NEC3 Supply Short Contract

Technical Mandatory Returnable (Disqualifiable)

Refer to the attached technical evaluation requirements. the technical returnables are required to be submitted with the tender at Tender closing date and time.

“Eskom reserves the right to place the technically compliant products on the product database upon it meeting the threshold set for technical/functional evaluation”.

“Eskom reserves the right not to perform a technical/functional evaluation on a product that has been added to the product database as this product has previously been found to be technically compliant.”

3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1" data-bbox="616 1062 1478 1147"> <tr> <td>Criteria</td><td>Weight</td></tr> <tr> <td>Technical</td><td>100%</td></tr> </table> <p><u>Technical Evaluation Criteria - refer to technical folder</u></p> <p>There is various technical evaluation criterion. The evaluation criterion is attached hereto.</p>	Criteria	Weight	Technical	100%
Criteria	Weight				
Technical	100%				
3.15 Evaluation of price	<p>Prices (received at E-Auction stage) will be evaluated as follows:</p> <ol style="list-style-type: none"> 1. Inclusive of VAT 2. Making the specified correction for arithmetical errors <p>Prices will be scored out of 80 points</p>				
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80 points for price and will score 0 points for Specific goals (out of 20)</p> <p>The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential</p>				

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Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

NB: The following documents are required to claim preference points,

- **Valid** BBBEE certificate issued by a SANAS accredited verification agency **or a valid** sworn affidavit **or a valid** BBBEE Certificate issued by CIPC for EME companies

NB: Supporting documents may be requested during evaluation (This list is not exhaustive):

- Proof of ownership / shareholding (CIPC registration documentation) inclusive of shareholding breakdown
- ID copies of shareholder(s) or owner(s) of the business
- Proof of Disability of owner(s) of the business (where applicable)

Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'

- May only score point out of 80 for price
- Scores 0 points out of 20 for specific goals

Note:

Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated</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	Objective criteria are not applicable
3.20 Reverse e-auction	<p>Reverse e-auction is applicable</p> <p><u>Reverse e- auction process</u></p> <ul style="list-style-type: none"> ▪ Suppliers will return all tender returnables at tender closing except prices, ▪ No prices shall be priced at tender closing, Prices shall be submitted Via Eskom's "Reverse E-Auction" ▪ Tenderers shall be allocated points during the auction process in accordance with the B-BBEE Evaluation Scorecard 80/20 preference point system. <p><u>The reverse e – auction platform will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. In the event that the E-Auction platform is problematic Post-tender negotiations will be entered into.</u></p> <p>Please note:-</p> <p>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction. The Tenderers are required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>
Contractual Requirements	<p>Contractual Requirements include the following :</p> <ol style="list-style-type: none"> 1. SHEQ requirements; and 2. Financial statements.

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Safety:

	KPI
1)	Annexure B Is the acknowledgement form for Eskom's rules and requirements (in Annexure B) signed and submitted by the tenderer?
2)	Health and Safety Plan <ul style="list-style-type: none"> • Incident Management • SHE Communication • Emergency Management
3)	Baseline Risk Assessment <ul style="list-style-type: none"> • Including Driving
4)	Valid Letter of Good Standing <ul style="list-style-type: none"> • To be in line with the scope
5)	SHE Policy

Quality

As per the Category 4 Quality Requirement

- Form A - to be completed and signed by the supplier
- Supplier Quality Management Specification (QM58) – to be read and understood
- Supplier QM Category 4 Method Statement Template

Financial:

Financial evaluations will be conducted on the recommended suppliers' financial statements to determine if the supplier is financially viable to execute the scope of work.

Requirements for Financial Evaluation of Companies

- Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:
 1. Whether the AFS were internally or externally prepared.
 2. Whether the company was owner managed or not owner managed.
- Latest approved financial statements including comparative amounts.

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

AFS must be valid and not outdated, received within 18 months after year-end.

- A signed director's / member's report.

• Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above.

Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.

- Approved Annual Financial statements must comprise :
 - o Statement of financial position (Balance Sheet)
 - o Statement of comprehensive income (income statement)
 - o Statement of changes in Equity
 - o Statement of cash flows
 - o Notes to the financial statements
 - o ITA 34C Income Tax Assessment for companies that have NOT been AUDITED

• The notes to the AFS specifically referring to Accounts Receivable and Accounts Payable must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.

• The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.

• Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.

• Name of Holding company if the company is a subsidiary company.

• Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.

• Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.

Note:

Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted.

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		Effective Date	February 2023		
		Review Date	February 2028		

	<p>Soft copies of the AFS submitted with the tender documents may be requested at a later stage.</p> <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p>
2.25 Contractual Condition	<p>The conditions of contract will be the NEC 3 Supply Short Contract.</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>

Please note:

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:

For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

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

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

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

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

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

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

1.3 **TENDER RETURNABLES**

The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE:

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	Where a Tenderer does not submit 1 complete original tender, plus one (1) complete hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.	✓		

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

Annexure A	Acknowledgement Form			✓
Annexure B	Tenderers Particulars			✓
Annexure C	Integrity Pact Declaration form		✓	
Annexure G	SBD 1- to be completed and submitted by all tenderers.		✓	
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure I	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training acknowledgement form			✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	# proof of compliance to the stipulated Specific goals.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
# Specific Goals	Failure on the part of the supplier to submit “proof of specific goals” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/ acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance			✓

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			
NEC Documentation	Completed NEC 3 Supply Short Contract		✓	
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Safety	<p>KPI</p> <p>1) Annexure B Is the acknowledgement form for Eskom's rules and requirements (in Annexure B) signed and submitted by the tenderer?</p> <p>2) Health and Safety Plan <ul style="list-style-type: none"> • Incident Management • SHE Communication • Emergency Management </p> <p>3) Baseline Risk Assessment <ul style="list-style-type: none"> • Including Driving </p> <p>4) Valid Letter of Good Standing <ul style="list-style-type: none"> • To be in line with the scope </p> <p>5) SHE Policy</p>			✓
Quality	As per the attached Category 4 Quality Requirement <ul style="list-style-type: none"> ▪ Form A - to be completed and signed by the supplier ▪ Supplier Quality Management Specification (QM58) – to be read and understood ▪ Supplier QM Category 4 Method Statement Template 			✓
Due Diligence	<p>Financial:</p> <p>Financial evaluations will be conducted on the recommended suppliers' financial statements to determine if the supplier is financially viable to execute the scope of work.</p> <p>Requirements for Financial Evaluation of Companies</p> <ul style="list-style-type: none"> • Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether: <ol style="list-style-type: none"> 1. Whether the AFS were internally or externally prepared. 			✓

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	<p>2. Whether the company was owner managed or not owner managed.</p> <ul style="list-style-type: none"> Latest approved financial statements including comparative amounts. <p>AFS must be valid and not outdated, received within 18 months after year-end.</p> <ul style="list-style-type: none"> A signed director's / member's report. <p>Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.</p> <ul style="list-style-type: none"> Approved Annual Financial statements must comprise : <ul style="list-style-type: none"> Statement of financial position (Balance Sheet) Statement of comprehensive income (income statement) Statement of changes in Equity Statement of cash flows Notes to the financial statements ITA 34C Income Tax Assessment for companies that have NOT been AUDITED The notes to the AFS specifically referring to Accounts Receivable and Accounts Payable must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest. The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest. Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates. Name of Holding company if the company is a subsidiary company. Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage. 		
--	---	--	--

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	<ul style="list-style-type: none"> Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information. <p>Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage</p>			
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	Attached in Folder 2	✓		

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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.

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

Invitation to Tender: KZN105

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

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

YES		NO	
-----	--	----	--

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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		NO	
-----	--	----	--

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		NO	
-----	--	----	--

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

8.4 Please confirm B-BBEE level of said sub-contractor_____

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

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

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

YES		NO	
-----	--	----	--

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

YES		NO	
-----	--	----	--

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

1. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

2. Joint Ventures

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

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

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

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

1. the tenderer/s employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the tenderer/s employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the tenderer/s employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:
 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;
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”

5. the tenderer/s and one or more of the tenderers in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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.

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:

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

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

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

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

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

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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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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 declaration prove to be false, and

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

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

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).

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**Invitation to Tender
KZN105**

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

ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:	CLOSING DATE:	CLOSING TIME:
DESCRIPTION		

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

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

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
	TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
	<input type="checkbox"/>	A REGISTERED AUDITOR 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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**Invitation to Tender
KZN105**

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

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

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

PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:

1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

TAX COMPLIANCE REQUIREMENTS

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

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1. The following preference point systems are applicable to invitations to tender:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1. To be completed by the organ of state

(delete whichever is not applicable for this tender).

1. The applicable preference point system for this tender is the **90/10** preference point system.
2. The applicable preference point system for this tender is the **80/20** preference point system.
3. Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
 1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 1. Price; and
 2. Specific Goals.

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

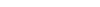
3. DEFINITIONS

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

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_S = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \text{ or } P_S = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

1. POINTS AWARDED FOR PRICE

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

$$P_S = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } P_S = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

7. POINTS AWARDED FOR SPECIFIC GOALS

1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

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	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number:
3. **TYPE OF COMPANY/ FIRM**
 - Partnership/Joint Venture / Consortium
 - One-person business/sole proprietor
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company

[TICK APPLICABLE BOX]
4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
 1. The information furnished is true and correct;
 2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

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 Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
	Effective Date	February 2023		
	Review Date	February 2028		

4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

1. disqualify the person from the tendering process;
2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
5. forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State Institution

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

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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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**

1. If so, furnish particulars:

.....
.....

3. DECLARATION

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

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

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

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

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

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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 Eskom	Invitation to Tender KZN105	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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.

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

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

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

Signature

Date

Position

Name of bidder

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