



	<b>Invitation to Tender/ Request for Proposal (RFP)</b>	<b>Template Identifier</b>	240-43921804	<b>Rev</b>	6	
		<b>Document Identifier</b>	240-114238630	<b>Rev</b>	10	
		<b>Effective Date</b>	03 March 2020			
		<b>Review Date</b>	March 2023			

## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the **The Provision of Lifting Machine Operator (LMO) training for Eskom Staff for Western Cape- Cape Coastal Cluster**

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

- Free of charge

Tender documentation can be obtained via the following:

It may be downloaded from <http://mp2mas17.eskom.co.za/tenderbulletin/search.asp>

**Access information on the Eskom Website Refer to web-site for further and updated information. The website can be accessed by the following steps:**

1. [www.eskom.co.za](http://www.eskom.co.za)
2. Go to “Tender Bulletin”
3. Click on “What’s out to tender”
4. Click on “Eskom’s Tender Bulletin”
5. Click on “General Search” on the navigator bar
6. Select fields as “All Groups” and “all suppliers” and “Western” on Eskom Group
7. Click “search”

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

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

Yours faithfully



Acting Procurement Manager

Lester Mackay

Date: 25 January 2022

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The following documents listed hereunder are attached to this enquiry

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)	Page no
6.1	*Acknowledgement form	Annexure A	Y	24-25
6.2	*Tenderer's particulars	Annexure B	Y	26-30
6.3	* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Y	31-34
6.4	CPA Requirements for Local (South African)	Annexure D		35-39
6.5	CPA(IG) for Foreign Goods/services (if applicable)	Annexure E		40-43
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Y  N  N  N	44-47  47  47  47
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y	48-49
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y	50-56
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts].	Tax Evaluation Questionnaire	Y	<b>Attached under commercial folder</b>
6.10	Supplier Development Localisation & Industrialisation (SDL&I). SDL&I Matrix and Skill development, Letter of Undertaking		Y	

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is: Name : Thembi Peter e-mail: <a href="mailto:PeterTP@eskom.co.za">PeterTP@eskom.co.za</a>. Tel: +27(0) 21 980 7509</p>
1.3 Enquiry documents	<p>The Invitation to tender number is :<b>WC1004TP</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/ RFP	<p>This invitation to tender <b>#An open Invitation to tender</b></p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
whole2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if</p> <ul style="list-style-type: none"> <li>• Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> <li>• Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>• [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if : <ul style="list-style-type: none"> <li>○ (a)they have a controlling partner/majority shareholder in common; or</li> <li>○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>Tender</b> submission is : Date: <b>22 February 2022</b> Time <b>10H00</b></p> <p><b>Late tenders will not be accepted.</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE BLOCK 'E', STORES BUILDING BRACKENFEL COMPLEX ESKOM ROAD BRACKENFELL, 7560</b></p>
2.9 Copy of original tender	<p><b>The tenderer must submit the tender as a complete tender in the following manner:</b></p> <ol style="list-style-type: none"> <li>1. <b>Commercial File.</b></li> <li>2. <b>Technical File.</b></li> <li>3. <b>Environmental File.</b></li> <li>4. <b>Health &amp; Safety File.</b></li> <li>5. <b>Quality File.</b></li> </ol>

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	<p>The originals of the above files to be submitted as hard copies of the originals and copy at tender submission deadline. The tenderer must submit 10 files at the tender stage.</p> <p>This will assist in reducing the risk of the Corona Virus Pandemic, at the evaluation stage as sharing of documentation is regarded as high risk.</p> <p><b>Where a tenderer does not submit Technical originals and hard copies of the originals at tender submission deadline, the tenderer will be disqualified.</b></p>
2.13 Tender Validity Period	The tender validity period is <b>90 Days</b>
2.16 Site/clarification meetings	<p><b>Clarification meeting will take place as follows: It's not compulsory,</b></p> <p><b>Commence at</b> 10:00 until 12:00</p> <p><b>On</b> 03 February 2022</p> <p><b>Venue:</b> It will be conducted via Ms Team meeting. Tenderers who are interested in attending this session must ensure that they access the Clarification meeting link in the appointment on the Eskom Tender Bulletin in the Commercial folder (Please check the Tender Bulletin, post clarification meeting, for any additional documents).</p> <p>Should the supplier not being able to access the appointment. They must contact Thembu Peter: via email on <a href="mailto:PeterTP@eskom.co.za">PeterTP@eskom.co.za</a> who will be Co-ordinating this virtual meeting.</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 <b>5</b> working days before the deadline for tender submission.
2.23 Alternative tenders	<p>Alternative tenders are <b>not allowed</b></p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> <li>• A different completion date.</li> <li>• A different payment method.</li> <li>• Different technical methods and specifications</li> <li>• A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract.</li> </ul>
2.25 Conditions of contract	The conditions of contract will be the <b>NEC3 (TSC) Term Service Contract.</b>

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2.31 Provision of security for performance	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.</p> <p>Submission of 3 years Audited Financial Statements- potential contractors must be financially stable. Where companies are deemed financially unfavorable, Eskom will request them to submit performance bond or guarantees.</p> <p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted when requested during evaluation. In the event that a company cannot provide the required performance bond or guarantees, they will be excluded from participating in the contract.</p> <p><b>The following bonds are required for this enquiry:-</b></p> <p>1. To be determined once Eskom has done financial evaluation of the supplier.</p>
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Place: <b>THE TENDER OFFICE BLOCK 'E', STORES BUILDING BRACKENFEL COMPLEX ESKOM ROAD BRACKENFELL, 7560</b></p> <p>Date: <b>22 February 2022</b> Time: <b>10:00 AM</b></p>
3.5 Prices to be read out	<b>Prices will not be read out.</b>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender/ are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul>
3.10 Mandatory tender returnables	<b>A tenderer that does not submit mandatory documents by the required deadlines as stipulated in the Tender Returnable and listed on the table from page 16-24 will be disqualified.</b>
3.11 Pre-qualification criteria	<p>Pre-qualification criteria <b>not applicable</b></p> <p>The following mandatory pre-qualification criteria are applicable herein:-</p>

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	<ol style="list-style-type: none"> <li>1. [•]stipulated minimum B-BBEE status level]; and/or</li> <li>2. [•]an EME or QSE; and/or</li> <li>3. [•] a tenderer subcontracting a minimum of 30% to- <ul style="list-style-type: none"> <li>(i) an EME or QSE which is at least 51% owned by black people;</li> <li>(ii) an EME or QSE which is at least 51% owned by black people who are youth;</li> <li>(iii) an EME or QSE which is at least 51% owned by black people who are women;</li> <li>(iv) an EME or QSE which is at least 51% owned by black people with disabilities;</li> <li>(v) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;</li> <li>(vi) a cooperative which is at least 51% owned by black people;</li> <li>(vii) an EME or QSE which is at least 51% owned by black people who are military veterans;</li> <li>(viii) an EME or QSE.</li> </ul> </li> </ol> <p>Where B-BBEE levels, EME/ QSE status or sub-contracting to designated groups is used as pre-qualification criteria; then tenderers are required to provide “<b>proof of B-BBEE status level of contributor</b>” at tender submission deadline.</p> <p><b>[Stipulate which documents/information may be applicable ]</b></p> <p>May include the following :-</p> <ul style="list-style-type: none"> <li>• signed sub-contracting intent agreement / signed sub-contracting agreement between the main contractor and sub-contractor,</li> <li>• original or certified copy of B-BBEE certificate or original signed sworn affidavit,</li> <li>• company registration documents for all sub-contractors,</li> <li>• confirmation that the sub-contractor is registered on CSD, medical certificate in the event of BPwD entity being proposed as a subcontractor,</li> <li>• certificate from Department of Military Veterans in the event that the subcontracted entity is at least 51% owned by black people who are military veterans,</li> <li>• proof of address in the event that the subcontracted entity is at least 51% owned by black people from rural or underdeveloped areas or townships,</li> <li>• share certificates in the event that the a company or a Co-operative,</li> </ul>
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	<ul style="list-style-type: none"> <li>ID copy of the owner in the event that the subcontracted entity is at least 51% black youth owned,</li> </ul> <p>If the relevant documentation/information as stipulated in the enquiry is not submitted; said tenders will be disqualified.</p>									
3.12 Designated materials and thresholds	<p>Designated material thresholds <b>not applicable</b></p> <p>If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Material</th> <th>Threshold %</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The dti has appointed SABS as the official verification agency for local content in terms of designated products.</p> <p><b>A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.</b></p>	Material	Threshold %							
Material	Threshold %									
3.12 b) Skill Development and Job Opportunities	<b>Not Applicable</b>									
3.13 Functionality requirements	<p><b>Functionality requirements:</b></p> <p>Proposals will be required to meet 100 points functionality qualifying score in order to be evaluated further and proposals that fail to achieve the minimum qualifying score for functionality will be disqualified. A weighted score-card approach will be used to evaluate technical compliance of tenders against the specification.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Functionality Criteria</th> <th>Maximum number of points</th> <th>Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next phase</th> </tr> </thead> <tbody> <tr> <td>Technical</td> <td>100</td> <td>100</td> </tr> <tr> <td>Overall Minimum Threshold for Qualification</td> <td>100</td> <td></td> </tr> </tbody> </table>	Functionality Criteria	Maximum number of points	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next phase	Technical	100	100	Overall Minimum Threshold for Qualification	100	
Functionality Criteria	Maximum number of points	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next phase								
Technical	100	100								
Overall Minimum Threshold for Qualification	100									

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<b>TECHNICAL EVALUATION CRITERIA.</b>		
<p><b>The weight for the technical review will be 100 points and will be based on:</b></p>		
1. COMPANY INFORMATION	SOURCE OF EVIDENCE	SCORE
1.1 Service Provider to be Accredited by TETA (Transport Education and Training Authority)	Accreditation Certificates	20%
1.2 Provider must be located within Eastern Cape & Western Cape. (Foot print)	Utility Bill, Lease Agreement,	15%
1.3 Service Provider to provide a valid certificate of approval from Department of Transport (DoT) to provide training	Registration Certificate for DoT	20%
2. QUALIFICATION OF TRAINERS AND ASSESSORS		
2.1 Each Trainer / Assessor must be registered by ETDP SETA to present the unit standards tendered for	ETDP SETA Registration and copy of Certificate	15%
2.2 Service Provider to supply a Trainer / Assessor matrix reflecting Name, Surname, ID Number, Unit Standard the instructor will be training on, vehicle they will be training on, years of experience in the discipline. (NB. All instructors on the matrix MUST qualify.	Valid Matrix	15%
3. COURSE CONTENT AND MANUALS		
3.1 All content and manuals to be used must be Unit Standard based where applicable	Proof in electronic format	5%
3.2 Formative assessment, summative assessment criteria and other assessment instruments must be in line with Unit Standard where applicable	Proof in electronic format	5%
3.3 Service Provider must provide evidence that all user requirements in the tender are covered in the Learning Outcomes	Proof in electronic format	5%
<b>Total Threshold all or nothing</b>		<b>100%</b>

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	<b>Tenderers who do not meet 100 percent / points for technical scoring will be disqualified.</b>
3.15 valuation of price	<p>Prices will be evaluated as follows:</p> <p><b>This tender will be subject to reverse E-auctioning for competitive on-line bidding hence NO PRICES are to be submitted at tender closing date. Only the required tender returnables are to be submitted for pre-qualification purposes, after which the buyer will create the bidding starting time and closing dates.</b></p> <p><b>Suppliers are required to complete and sign mandatory Annexure A, which is an Acknowledgement Form of - Reverse E-auctioning Training. This is to confirm that the suppliers has attended e-auction training</b></p> <p><b>Only suppliers who meets the functionality evaluation will be invited for the E-Auction bidding process. In the case where only one supplier is successful, the CFT will proceed with a mandate to negotiate report.</b></p> <p><b>Supplier training site : <a href="http://eauctionbiddingtraining">http://eauctionbiddingtraining</a></b></p> <p><b>Or</b>  <a href="https://www.youtube.com/watch?v=2OzleM6x-fs&amp;t=27s">https://www.youtube.com/watch?v=2OzleM6x-fs&amp;t=27s</a></p> <p><b>Supplier registration and live production site:</b>  <a href="https://eauction.eskom.co.za">https://eauction.eskom.co.za</a></p> <p><b>PLEASE NOTE: that reverse e-auction bidding can only be accessed via Google Chrome or Firefox. The reverse e-auctioning site is unfortunately not compatible with mobile phones or tablets.</b></p> <p><b>Please refer to the User guide included as guideline for registration purposes to access the reverse e-auctioning on-line bidding platform</b></p> <p>Prices will be scored out of 80 points</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20)</p>

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3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> <li>80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or 80/20 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</li> </ul> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria (if applicable)	<p><b>Objective criteria Not applicable</b></p> <p><b>Please note:-</b></p> <ul style="list-style-type: none"> <li>“Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</li> <li>Tenderers will not be disqualified if they do not comply with the objective criteria</li> <li>Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</li> </ul>
3.20 Contractual Requirements	<p><b>THE FOLLOWING CONTRACTUAL REQUIREMENTS WILL APPLY IN THIS ENQUIRY:</b></p> <p><b>COMMERCIAL:</b></p> <ul style="list-style-type: none"> <li>- SARS verification pin number</li> <li>- CSD compliance report</li> <li>- Valid BBEE Certificate or Sworn Affidavit</li> <li>- Shareholders information (CIPIC documents).</li> </ul> <p><b>FINANCIAL EVALUATION:</b></p> <p>Submission of 3 years Audited Financial Statements- potential contractors must be financially stable. Where companies are deemed financially unfavorable, Eskom will request them to submit performance bond or guarantees, If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted when requested during evaluation. In the event that a company cannot provide the required performance bond or guarantees, they will be excluded from participating in the contract.</p>

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	<ul style="list-style-type: none"> <li>• <b>SHEQ REQUIREMENTS</b></li> </ul> <p><b>The following contractual requirements will apply in this enquiry:</b></p> <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> </ul> <p><b>A) HEALTH AND SAFETY</b></p> <p><b>1. Annexure B</b></p> <p>Is the acknowledgement of <b>Eskom's OHS</b> legal and other requirements submitted by the tenderer?</p> <p><b>2. OHS plan</b></p> <p>(Must address the project /scope of work OHS risk(s) and aligned with the safety specification or requirements)</p> <p><b>3. Baseline Risk Assessment (BRA)</b></p> <p>Identification, assessment and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA</p> <p><b>4. Valid Letter of Good Standing (COIDA or equivalent)</b></p> <p><b>5. OHS policy signed by CEO</b> The submitted policy document must comply to OHS Act Section 7</p> <p>1. PART B Annotation: This section is only applicable to suppliers/consultants/contractors that have been certified for an auditable OHS system.</p> <p><b>Annexure B</b></p> <ol style="list-style-type: none"> <li>1. Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?.</li> <li>2. Certificate for ISO 45001 or OHSAS 18001.</li> <li>3. Valid Letter of Good Standing (COIDA or equivalent).</li> </ol> <p><b>Please download the documents under Health &amp; Safety Folder.</b></p>
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	<p><b>B) ENVIRONMENTAL</b></p> <p><b>1. COMPANY ENVIRONMENTAL POLICY</b></p> <ul style="list-style-type: none"> <li>• A document where the organisations top management stipulates and demonstrates its environmental and legal commitments and objectives.</li> <li>• Signed by the CEO/ Director, dated and version controlled.</li> </ul> <p><b>2. COMPANY ENVIRONMENTAL ASPECTS AND IMPACTS</b></p> <ul style="list-style-type: none"> <li>• A document or register that outlines the company activities, products and services e.g. cable manufacturing, galvanised steel, waste management, creation of access roads, bush clearing, laydown areas/stockpiling, oil storage, cement mixing, excavations, trenching, driving, sanitation provision.</li> <li>• The aspect of that activity/product/service that interacts with the environment e.g. waste disposal to land, cutting/ removing vegetation, oil spills/ leaks, cement spillages, sewerage spills, site selection, removal of topsoil.</li> <li>• The impact that that aspect has on the environment e.g . groundwater contamination, damage/ distruction to vegetation, destroying protected trees, air pollution, water pollution, soil erosion, injury/ killing of animals, visual impact, customer reputation/image.</li> <li>• All impacts need to have a significance rating.</li> <li>• Provide the methodology for calculating and determining the significance rating.</li> </ul> <p><b>3. COMPANY ENVIRONMENTAL MANAGEMENT PROGRAMME</b></p> <ul style="list-style-type: none"> <li>• As a minimum each significant aspect and impact need to have an environmental management programme detailing:</li> </ul>
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- Objective/s
- Actions / controls/ mitigation measures
- Measurable target/s
- Timeframes
- Designation of responsibility
- The above can be at different functions and levels of the organisation e.g. different objectives and targets for middle management, finance department, construction department, etc. depending on their function and outputs.

**4. ACKNOWLEDGEMENT AND DECLARATION OF UNDERSTANDING OF ESKOM ENVIRONMENTAL DOCUMENTS AND SPECIFICATIONS.**

- Sign and date annexure b of the Eskom contract environmental management plan submitted with the tender enquiry.

**NOTE: IT IS IMPORTANT THAT ALL TENDERERS READ THE ISO14001:2015 INTERNATIONAL STANDARD FOR DETAILED INFORMATION ON THE ENVIRONMENTAL SYSTEM REQUIREMENTS AND DEFINITIONS.**

**NOTE: SUPPLIER TO MEET ALL THE REQUIREMENTS BEFORE CONTRACT AWARD**

**Please download the documents under Environmental Folder.**

**C) QUALITY**

	<b>Supplier Quality Management: List of Tender Returnables Documents</b>	
<b>Category 4 Quality Requirements</b>	<b>Deliverables to be evaluated indicator = 1</b>	<b>Total</b>
<b>SECTION A : Quality Management System Requirements ISO 9001</b> <b>Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>		
	<b>Apply (yes=1)</b>	<b>40%</b>
A.1 Quality Method statement based on scope.	<b>1</b>	

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	A.2 Quality Policy Approved by top management.	1	
	A.3 Quality Objectives Approved by top management.	1	
	<b>Section A Score</b>	<b>3</b>	
<b>SECTION B :Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 or 240-51544462)</b>			
		<b>Apply (yes=1)</b>	40%
	B.1 Documented information for defined roles, responsibilities and authorities	1	
	B.2 Documented information for Control of Externally Provided Processes, Products and Services	1	
	<b>Section B Score</b>	<b>2</b>	
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000)</b>			
Customer specific requirements & other standards and required can be listed and evaluated here			
		<b>Apply (Yes=1)</b>	
	E.1 Form A is completed and signed.	1	20%
	<b>Section E Score</b>	<b>1</b>	
<ul style="list-style-type: none"> <li><b>FINANCIAL STATEMENTS; AND/OR</b></li> </ul> <p>Audited Financial Statements of the tenderer for the previous two financial years, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.</p> <p><b>NB:Please Note:</b></p> <p><b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet</b></p>			

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	<p>the contractual requirements, must be submitted prior to contract award.</p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</b></p>
<p>CIDB Requirements (where applicable for Engineering and Construction Works Contracts)</p>	<p>CIDB Requirements :</p> <ol style="list-style-type: none"> <li>1. It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading. <b>OR; Not Applicable</b></li> <li>3. Joint ventures are eligible to submit tenders provided that :- <ul style="list-style-type: none"> <li>• 3.1 every member of the Joint venture (JV) is registered with the cidb;</li> <li>• 3.2 the lead partner has a contractor grading designation in the ..... .or.....*class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status;</li> <li>• 3.3 the combined contractor grading designation calculated in accordance with the cidb regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or .....* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations</li> </ul> </li> </ol> <p><b>[*insert class of construction work and delete “or...” where only one class of construction works is applicable].</b></p> <p><b>[ Please note:</b>  <b>That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</b></p> <p><b>Employer(Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing ; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT. ]</b></p>

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**Please note:**

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

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

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

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

- (a) the B-BBEE status level certificate issued by an authorized 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 returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓	
<b>Pre-qualification criteria :</b> <ul style="list-style-type: none"> <li>• <b>B-BBEE levels/EME/QSE</b></li> <li>• <b>Sub-contracting to designated groups</b></li> </ul>	B-BBEE certificate	✓	
	Affidavit/CSD number	✓	
	<b>Signed Sub-contracting intent agreement</b>		
	<b>Proof (certificate/affidavit) of sub-contractor belonging to designated group</b>	✓	
<b>Please Note:</b>			

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<b>If required for pre-qualification purposes, stipulated in the enquiry and not submitted by tender submission deadline, the respective tenderer will be disqualified</b>	<b>Any other supporting documents to verify the status of the main contractor or sub-contractor( as may be stipulated in 3.11)</b>	✓	
<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)	✓	
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	✓	
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development Localisation & Industrialisation (SDL&I). SDL&I Matrix and Skill development, Letter of Undertaking			✓
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	* A trust, consortium or joint venture must submit a consolidated/unconsolidated B-BBEE Status Level Verification Certificate	✓	

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	depending on whether they are an incorporated/ unincorporated entity respectively.		
	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.		✓
<b>**“proof of B-BBEE status level of contributor” means:-</b> <b>(a) the B-BBEE status level certificate issued by an authorised body or person; or</b> <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b> <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b>	Failure on the part of the supplier to submit a valid current B-BBEE certificate or sworn affidavit for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking	✓	
<b>Tax Clearance Certificates</b>	<p>A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number ) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) .</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p>		✓
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓

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<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
<b>CIDB</b>	Valid proof of CIDB (Construction Industry Development Board) Registration. N/A	✓	
<b>Shareholding</b>	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
<b>NEC/FIDIC Documentation</b>	Completed NEC pricing schedule or BOQ and contract data.	✓	
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits /licenses/ specific registration documents (if applicable to scope of work)</b>	<b>Refer to Technical Folder for Technical Evaluation Criteria.</b>		
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)  <b>HEALTH AND SAFETY</b> ❖ Please see attached in the Eskom Tender Bulletin in the Safety folder.		✓
<b>Quality</b>	<b>Quality Requirement</b>  Category 4 Deliverables to be evaluated indicator = 1 Total.		✓

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	<b>Please see attached in the Eskom Tender Bulletin in the Quality folder.</b>		
<b>Environmental</b>	<b>ENVIRONMENTAL</b>  <b>Please see attached in the Eskom Tender Bulletin in the Environmental folder.</b>		
<b>Due Diligence</b>  <b>Audited Financial Statements</b>	Audited Financial Statements of the <i>tenderer</i> for the previous <b>18 months</b> , or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓

**DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA**

**The weight for the technical review is 100 points and is based on:**

Functionality Criteria	Maximum number of points	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next phase
Technical	100	100
Overall Minimum Threshold for Qualification	100	

**TECHNICAL EVALUATION CRITERIA.**

**The weight for the technical review will be 100 points and will be based on:**

1. COMPANY INFORMATION	SOURCE OF EVIDENCE	SCORE
1.1 Service Provider to be Accredited by TETA (Transport Education and Training Authority)	Accreditation Certificates	20%

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1.2 Provider must be located within Eastern Cape & Western Cape. (Foot print)	Utility Bill, Lease Agreement,	15%		
1.3 Service Provider to provide a valid certificate of approval from Department of Transport (DoT) to provide training	Registration Certificate for DoT	20%		
<b>2. QUALIFICATION OF TRAINERS AND ASSESSORS</b>				
2.1 Each Trainer / Assessor must be registered by ETDP SETA to present the unit standards tendered for	ETDP SETA Registration and copy of Certificate	15%		
2.2 Service Provider to supply a Trainer / Assessor matrix reflecting Name, Surname, ID Number, Unit Standard the instructor will be training on, vehicle they will be training on, years of experience in the discipline. (NB. All instructors on the matrix MUST qualify.	Valid Matrix	15%		
<b>3. COURSE CONTENT AND MANUALS</b>				
3.1 All content and manuals to be used must be Unit Standard based where applicable	Proof in electronic format	5%		
3.2 Formative assessment, summative assessment criteria and other assessment instruments must be in line with Unit Standard where applicable	Proof in electronic format	5%		
3.3 Service Provider must provide evidence that all user requirements in the tender are covered in the Learning Outcomes	Proof in electronic format	5%		
<b>Total Threshold all or nothing</b>		<b>100%</b>		
<b>Tenderers who do not meet 100 percent / points for technical scoring will be disqualified.</b>				

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. -----

We confirm that the documentation received by us is: **(Indicate by ticking the box)**

Correct as stated in the Invitation to Tender / RFP Content List, and that each document is complete.

Or: Incorrect or incomplete for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cataloguing Acknowledgement:**

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

1. We agree to provide the cataloguing information as described in the *tender submission*.
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous invitation to tender/RFQ number***]  \_\_\_\_\_
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:   
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position.

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

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

Country of registration \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Contact details of contact person:

Tel (landline) \_\_\_\_\_

Cell phone \_\_\_\_\_

e-mail address \_\_\_\_\_

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number (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)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

**NB Subcontracting: No Subcontracting I allowed for this tender**

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

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)

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5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom’s Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status\_\_\_\_\_
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential

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tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

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

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

**A. Single tenderers**

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**B. Joint Ventures**

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

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

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

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## ANNEXURE C

### INTEGRITY DECLARATION FORM

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

#### 1. DECLARATION OF INTEREST

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

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

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

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

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

- 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

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

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

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

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

### **Joint Ventures**

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

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\_\_\_\_\_ (insert the full legal name of the JV ).

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

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

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

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## ANNEXURE D

### CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

*This Section will not be applicable to professional services contract*

#### **1. APPLICATION OF CPA**

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

**Failure to do so may result in the supplier's offer(s) being disqualified.**

##### **b. Additional/Alternative offer:**

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 5. NUMBER OF FORMULAE & INDICES

- The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

### 6. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

### 7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be: *The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month: *The average for the month before the month in which the Enquiry closes*
- In this case, the following shall apply:
  - Where the average is published:

*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*
  - Where a high, low and mean are published:

*The mean*

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

*The Cash Settlement or Cash Sellers Price*

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

## 8. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer

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**Table 1: Preferred Local Index List** -this list of indices needs to be relevant to the commodity.  
Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> <ul style="list-style-type: none"> <li>• Final Manufactur ed Goods</li> <li>Or</li> <li>• Intermediat e Manufactur ed Goods OR</li> <li>• SEIFSA Table U Producer Price Index (PPI</li> </ul> - final manufactured GOODS OR Intermediate Manufactured Goods
	<b>Zinc</b> SEIFSA, F, zinc			
<b>Lead</b> SEIFSA ,F, lead				

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**Table 2: Preferred Foreign Index List**

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline)  National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____ / _____ / _____ TENDERER'S SIGNATURE _____
----------------------------------------------------------------------------

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## ANNEXURE E

### CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

#### **CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION**

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed.

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.

Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method.

#### **PART 1: PAYMENT OF FOREIGN COMMITMENTS**

Payment of Eskom's foreign commitment in foreign currency will be made either:

##### **Payment Method 1A:**

To a nominated bank account in a foreign country in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party);

**Please note that the contracting party must be the direct importer of the goods**

**Applicable (Y / N )**

Payment Method 1B;

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial ) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- Service related payments are excluded from this option;

**Applicable(Y/N ) or**

##### **Payment Method 2:**

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well

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as the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- This payment option is not applicable for the payment of services

**Applicable (Y/N).....**

An indemnity in writing confirming that the supplier will not buy forward cover is required where Payment Method 1 or 2 is contracted.

***[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender closing date. If it is not approved before tender closing, Payment Method 1 will be the default.]***

Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

**Applicable (Y/N).....**

Please note : Eskom will require substantiating proof of importation at the time of invoicing, if payment methods 1A,1B and 2 are selected.

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

## **PART 2: EXCHANGE RATES**

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank ([www.resbank.co.za](http://www.resbank.co.za))

Please note that the tenderer is required to submit proof of the SARB rate/s used.

## **PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC**

The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

RATES/TARIFFS
---------------

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Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

**PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS** *(To be read in conjunction with Eskom CPA Index)*

Eskom requires a fixed portion (free of price adjustment) appropriate to the nature of the contract.

The methods/formulae proposed in this part shall clearly identify the base month, the period over which adjustment will apply, the elements of labour and materials and source of the indices/rates/prices to be used.

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority. It must be clearly and completely defined. Supplier in-house indices are not acceptable.

The value of overseas manufacture, labour and material costs (ex-works), inland transportation, expatriate labour, etc. included in the tender/contract price shall be subject to adjustment in accordance with the methods stated hereunder.

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

**4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)**

Please submit your proposals for this section on a separate sheet of paper as an annexure.

**4.2 EXPATRIATE LABOUR METHOD**

Please submit your proposals for this section on a separate sheet of paper as an annexure.

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4.3 OTHER VALUES METHOD (e.g. Engineering fees, design fees, barging, inland transportation, etc)

Please submit your proposals for this section on a separate sheet of paper as an annexure.

**PART 5: ADJUSTMENT OF LOCAL MANUFACTURE/SUPPLY MATERIAL, TRANSPORT AND ERECTION COSTS**

The contract price adjustment method for local manufacture or partly local manufacture from imported stock, equipment or plant cost, transport cost within the RSA and local erection/installation cost shall be in accordance with the attached Eskom CPA Principles

**PART 6: GUIDELINES FOR CONTRACT PRICE ADJUSTMENT CLAIMS --- PART 2, 3 AND 4**

- 1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
- 2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.
- 3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.
- 4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
- 5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
- 6 Where requested by Eskom the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.
- 7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

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## ANNEXURE F1

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

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y is the bid price in Rand excluding value added tax (VAT)  
 Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

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

3. Does any portion of the goods or services offered have any imported content?

*(Tick applicable box)*

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

**NB:** Bidders must submit proof of the SARB rate (s) of exchange used.

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4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in

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paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Annexure F2- Local content Declaration-Summary Schedule  
(annex C not applicable in this tender)**



Adobe Acrobat Document

**Annexure F3 - Imports Declaration-Supporting schedule to Annex C(annex D not applicable in this tender)**



Adobe Acrobat Document

**Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E not applicable in this tender)**



Adobe Acrobat Document

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**ANNEXURE G**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	<b>WC1004TP</b>	CLOSING DATE:	<b>22 February 2022</b>	CLOSING TIME:	<b>10:00</b>
DESCRIPTION	The Provision of Lifting Machine Operator (LMO) training for Eskom Staff for Eastern Cape- Cape Coastal Cluster				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

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


**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:		<b>OR</b>	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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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b>	.....	<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	Procurement	CONTACT PERSON	
CONTACT PERSON	Thembi Peter	TELEPHONE NUMBER	
TELEPHONE NUMBER	021 980 7509	FACSIMILE NUMBER	
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	
E-MAIL ADDRESS	PeterTP@eskom.co.za		

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .

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- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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		<b>Document Identifier</b>	240-114238630	<b>Rev</b>	10
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**Annexure H**

**SBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

#### 5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

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

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table

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reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

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

iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

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

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

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Any EME		
Any QSE		

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

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

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

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

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

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

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

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

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
------------------------------------------------

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
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