

	<b>Investment Recovery Offer to Purchase Template OLT2096150</b>	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

**PURCHASE, COLLECTION AND REMOVAL OF SCRAP KVA TRANSFORMERS AND SCRAP KVA MINI-SUBS ON AN “AS AND WHEN REQUIRED BASIS” FOR A CONTRACT PERIOD OF ONE(1) YEAR FROM ESKOM AT VARIOUS RDC’S, CNC’S AND PROJECT SITES IN NORTHERN CAPE OPERATING UNIT**

**ENQUIRY NUMBER : OLT2096150**

**CLOSING DATE : 17 NOVEMBER 2023 @ 10.00 AM**

Issue Date:  
**09 NOVEMBER 2023**

Ref:  
**OLT2096150**

Enquiry:  
MAXI WESI  
+27 51 404 2310  
[wesim@eskom.co.za](mailto:wesim@eskom.co.za)

## **INVESTMENT RECOVERY SECTION**

TENDER ENQUIRY No. - **OLT2096150**

Eskom is the owner of **SCRAP TRANSFORMERS AND SCRAP MINI-SUBS**, located at **NORTHER CAPE OPERATING UNIT**.

You are kindly invited to submit an offer for the purchase, collection and removal scrap **KVA TRANSFORMERS AND MINI-SUBS** on Behalf of **NORTHERN CAPE OPERATING UNIT** on an “as and when” required basis as detailed in the Scope of Work and attached OFFER TO PURCHASE.

### **1. INSPECTION AND VIEWING**

There will be a **NO** viewing/clarification meeting for this contract. All enquiries must be directed to **Maxi Wesi** on **082 664 7755** and [wesim@eskom.co.za](mailto:wesim@eskom.co.za) for commercial information.

### **2. SUBMISSION OF THE “OFFER TO PURCHASE”**

Your quotation, as submitted by you on the “Offer to Purchase” document shall be marked, **Offer to Purchase Confidential Enquiry No. OLT2096150** and submitted as follows :

- **By Email to: Eskom INFORMAL Tender advice Centre –**

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

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**Please note the following rules with respect to online submission (Formal & Informal Tendering)**

- a. Please ensure that the email subject line only contains the **OLT2096150** Enquiry number as per heading and no other information. Do not add any text to the subject line. Do not add any space in between the prefix and the enquiry number.
- b. Ensure that all files submitted is in a PDF format.
- c. Ensure that the enquiry number is stipulated in the subject line on all e- mails if multiple emails are sent
- d. Ensure that you receive a confirmation email after submitting your documentation for Informal Tendering. Please follow up immediately via the email address of the respective asset disposal officer if you did not receive this.
- e. Maximum attachment size per email is 10MB. It is the supplier's obligation to ensure that the attachments per email do not exceed this limit.
- f. Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.
- g. All tender returnables/documentation must be submitted to **Informaltendering@eskom.co.za** only. E-mails to any other address (except for clarifications) will not be accepted. Failure to comply will these rules will result in your tender being disqualified.

Requests for Clarifications must be sent in writing to the respective asset disposal officer at [Wesim@eskom.co.za](mailto:Wesim@eskom.co.za) and not **Informaltendering@eskom.co.za** must be in writing. Eskom will respond to requests for clarification received within one (1) – two (2) working days before the tender closing deadline, depending on the enquiry duration and complexity.

**The closing date is 10.00 AM on FRIDAY, 17 NOVEMBER 2023**

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

### **3. STANDARD CONDITIONS OF TENDER**

- Please quote the tender enquiry number on all correspondence.

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- Please take note of the STANDARD CONDITIONS OF TENDER, (attached) noted in this letter and any amendments that accompany the TENDER ENQUIRY **OLT2096150**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.
- The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](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.

#### 4. TENDER RETURNABLES

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

##### NOTE:

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

**\*\* Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified.**

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	SBD 4 – Bidders Disclosure		✓	
<b>Annexure C</b>	Reverse e-auction training acknowledgement form (if applicable)		✓	
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa - but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
<b>Annexure D</b>	Offer to purchase form (price schedule attached and comments to price schedule)		✓	
<b>Annexure E</b>	Declaration of Interest		✓	
<b>Annexure F</b>	Declaration of fair bidding/ tendering		✓	
	Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency		✓	
	Submitted proof of the registration on National Treasury's Central Supplier Database (CSD) registration Report or MAAA registration number (Valid & Current)		✓	

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	Second-hand goods act certificate from SAPS/License (for scrap dealers and recyclers) (Valid & Current)		✓	
	CIPRO Registration Documents		✓	
	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</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>Quality</b>	Documents that may be required per scope of work			✓
<b>Other safety/quality documents as required per scope of works</b>	<b>SHE Requirements</b> <ul style="list-style-type: none"> <li>• Health and Safety plan</li> <li>• Environmental requirements form (Annexure G attached)</li> <li>• Health and Safety Requirements (Site Evaluation)</li> <li>• Acknowledgement form completed</li> <li>• 37.2 Agreement</li> </ul>			✓
<b>Environmental</b>	Documents that may be required as per scope of work			✓
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
Technical (required for functionality scoring)	<b>Technical Requirements</b> <ul style="list-style-type: none"> <li>• Technical inventory list</li> </ul> Method statement based on scope of work			✓

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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:


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: ☐

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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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## 5. EVALUATION PROCESS AND CRITERIA

### 5.1. BASIC COMPLIANCE

#### ANNEXURE E

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

If any employee/ director/ member/ shareholder/ owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation (Y/N) to undertake remunerative work outside public sector employment, and attach proof to this declaration.

Do the tenderer/s and other tenderer in this tendering/ RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If your answer is Yes, attach proof to this declaration.

## **ANNEXURE F**

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

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

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

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

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

Item	Question	Yes/No	
		Yes	No
1.1	Is the <i>tenderer/s(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)		

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	The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/ tendering processes/ procedures during the past five years?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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

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

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

## **ANNEXURE G**

### **ENVIROMENTAL REQUIREMENTS FORM**

**THE CONTRACTOR** shall submit evidence to the satisfaction of Eskom that:

1. Its business processes and practices are registered and accredited with relevant environmental authorities and regulators applicable to the work to be undertaken in terms of the **AGREEMENT**.
2. Such business processes and practices as referred to in (1) above shall include interlia and without limitation;
  - Water usage
  - Effluent disposal
  - Emission to the air
  - Waste management and disposal

In addition to the above, **THE CONTRACTOR** shall:

- A. Submit evidence to the satisfaction of Eskom of its environmental policy together with strategies for the implementation and management thereof.
- B. Submit to **Eskom** copies of the most recent environmental audit report

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The contractor must ensure:

- A procedure used to manage /dispose-of ferrous metal is submitted to Eskom prior the collection of waste.
- Items collected are recorded and report submitted to Eskom before payments.

**The requirements of the following Acts are to be adhered during the period of this contract.**

- The National Road Traffic Act (Act 93 of 1996)
- The Hazardous Substance Act (Act 15 of 1973)
- The Occupational, Health and Safety Act (Act 85 Of 1993)
- The Environment Conservation Act (Act 73 of 1989)
- The National Environmental Management Act (Act 107 of 1998)
- The National Water Act (Act 36 of 1998)

**For and on behalf of the company:** .....

**Name of signatory/signatories:** .....

**Official capacity/capacities:** .....

**Date:** ..... **Enquiry No: OLT2096150**

## **ANNEXURE H**

### **HEALTH AND SAFETY REQUIREMENTS**

The tenderer shall develop and submit a health and safety plan to the satisfaction of Eskom. The health and safety plan shall contain a list of all activities that will be undertaken on Eskom sites in relation to the scope of work to be performed.

The tenderer shall comply with the Eskom Safety rules and legislation requirements relevant to the scope of work. For detailed requirement see attached detailed spec.

#### **5.2. TECHNICAL EVALUATION**

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

<b>Technical evaluation criteria (100%)</b>	<b>Weight</b>
Approach and Methodology <ul style="list-style-type: none"> <li>• Does the contractor have necessary technical and mechanical</li> </ul>	<b>100%</b>

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ability, and have the acumen to manage and process the project quantities for the project? • Does the contractor have experience of the industry and display an ethical track record in line with the Second Hand Good Act? • Is there confidence that the contractor will be able to perform in this contract effectively, efficiently and economically?	
<b>Total</b>	<b>100%</b>

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

Questions – Evaluation of a Scrap Dealer

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

**Scrap Dealer's Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

	1	2	3	4	5
Company Documentation					
Vat / Tax Certificate					
Registration at any relevant industry					
Second Hand Act Registration for scrap or recycling.					
Safety Policy					
Environmental Policy					
Safety File					
Coida					
Site/ Yard Cleanliness					
Oil spills Kit					
Suitable Fire Fighting Equipment					
Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					

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Type of trucks					
Number of Trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: \_\_\_\_\_

\_\_\_\_\_

### 5.3. FINACIAL EVALUATION

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

Price evaluation criteria	Weights
Price Schedule	80%
BBBEE	20%
Total	100%

#### NOTE:

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

### 6. SCOPE OF WORK

The scope of work will include the purchase, collection and removal of **SCRAP KVA TRANSFORMERS AND MINI-SUBS FOR A 1 YEAR CONTRACT PERIOD** "on an as and when" required basis contract within Eskom **NORTHERN CAPE OPERATING UNIT**.

- 6.1 The contract will be valid for 1 year duration, although this is contractual and fixed there will be work instruction / task orders issued per site per batch that will be required to be actioned and completed by the successful tenderer within 7 working days of issue. Each batch / work instruction / task order is a standalone task order.
- 6.2 The successful tenderer will be required to pay upfront for the allocated batch and collect all units within 7 working days from the issue date of the approved work instruction / task order.
- 6.3 The successful tenderer is expected to pay in full the indicated on each batch submitted by Eskom Disposal Officer (and will not re-batch the quantities on the work instruction / task order).
- 6.4 The successful tenderer is required to have sufficient capacity and resources to service this contract at any given point from any given site within the contractual term as quantities of the units is not known upfront and is dependent on Eskom's operations.
- 6.5 The successful tenderer is accountable to clean the site once the collections is completed and ensure the area is cleaned should there be an oil spill.

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6.6 The contract is for a combination of aluminium and copper core units which must be purchased by the successful tenderer.

The purchaser will be responsible for the safe collection, handling, removal, loading and transportation of the **SCRAP UNITS** / material and to clean the site, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

The goods on sale will be identified by Eskom.

## 7. PRICE SCHEDULE

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

Companies/ Buyers must show their interest to participate on the e-Auction by completing and submitting the attached Forms, **ANNEXURE C (ACKNOWLEDGEMENT FORM EAUCTION TRAINING)**

### **Pricing will be conducted via e-AUCTION**

**Submission of this document confirms the tenderer is fully aware of the condition of the tender and that their offer price will be submitted through the eAuction process. The tenderer proofs their full intention and will to purchase the scrap TRANSFORMERS and MINI-SUBS AS “VOETSTOOTS” “AS IS” for their price as will be offered via eAuction.**

**THE RAND RATE PER ITEM WILL BE DETERMINED AFTER EVALUATION AND VIA THE E-AUCTION PRICING TOOL.**

For each disposal transaction the rand price will be calculated by the Final Bid Price per item ex vat.

## NOTES

- Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.

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- d. Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- e. The **SCRAP UNITS** is sold with unknown quantity of oil but any oil remaining in the equipment shall become the property of successful tenderer and the tenderer will be responsible for any oil spillage.
- f. The successful tenderer will be required to obtain an Eskom permit, prior to commencement of work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- g. All work must comply with the OHS Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- h. Any oil spills caused during the work programme will need to be rehabilitated by the successful tenderer.
- i. This is an open tender.
- j. A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract
- k. A bidder who has an open non-conformance will be disqualified and not awarded a new contract.
- l. No accommodation will be allowed on site.

## 8. Environmental requirements

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

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i>
National Environmental Management Act	107 of 1998, as amended	List of activities and competent authorities identified in terms of sections 24 and 24d  Protects the rights of all citizens to a healthy and safe environment
Atmospheric Pollution	45 of 1965	Control all activities that pollute the air <i>Dust control during construction –Applicable during the clearing of yard-stones</i>

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ACT NAME	ACT NO	NOTES/REMARKS
Prevention Act		<i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various other activities, which may have a detrimental effect on the environment. <i>Waste management Application of waste disposal permit Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner's gates and fences <i>Climbing or crawling over or through fences without permission Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances. <i>NB: no hazardous substances will be used during this phase of construction</i>
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment. <i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste Regulations relating to nuisances NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

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## 9. GUARANTEE / WARRANTY

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

## 10. BREACH

Breach of a warranty and undertakings

If a Party breaches a warranty under clauses 6,7,8 & 9 of this Agreement, and remains in breach of such warranty for 7 (seven) Business Days after written notice to that Party requiring that Party to rectify that breach of warranty, the aggrieved Party shall be entitled, without derogating from any of its other specific rights or remedies provided for under this Agreement or which it is entitled to in law, at its option:

- to sue for immediate specific performance of any of the defaulting Party’s obligations under this Agreement; or
- to cancel this Agreement, in which case written notice of the cancellation must be given to the defaulting Party, and the cancellation shall take effect from the date of the notice.
- Should the Purchaser not pay any amount due to Eskom on the due date and fail to remedy such breach within 7 (seven) days after receipt of written notice by Eskom calling upon the Purchaser to remedy the breach, Eskom shall, without prejudice to any of its rights in terms of the Agreement or at law, be entitled to either claim immediate specific performance or terminate the Agreement without prejudice to its rights to claim damages. In such instances Eskom shall be entitled to call the guarantee and claim in terms of the Bank Guarantee.
- Notwithstanding any other provisions contained therein, Eskom shall be entitled to cancel the Agreement immediately and without prejudice to any other rights to claim damages or any other remedy provided for in terms of this Agreement and without notice on the occurrence of one or more of the following events;
- Eskom become aware of the Purchaser or any of its directors or shareholders and or employees being convicted of illegal activities or illegal operation of whatever nature relating to scrap KVA transformers and scrap Mini-Subs;
- The Purchaser is liquidated or placed under business rescue (whether provisionally or finally);

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- a judgement be awarded by a court against the Purchaser which is not satisfied within the period prescribed by the court
- a write be issued against the Purchaser pursuant to a judgement granted against it;
- any change in the present structure of or shareholding or beneficial ownership in the Purchaser;
- any change in the present members of the Board of Directors of the Purchaser;
- The Purchaser resells or trades in any scrap KVA Transformers and scrap Mini-Subs, material in contravention of the provisions of this Agreement or of any legislation;

The Purchaser breaches any particular provision more than once during any 12(twelve) month period, including the failure to take delivery of the material within the time period indicated by Eskom in a Work Instruction / Task Order.

## 11.OFFERS

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

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

**Only the successful tenderer will be notified.**

## 12.VALUE ADDED TAX (VAT)

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

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

- 12.1 It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- 12.2 The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 12.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:
- 12.4 Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or

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12.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.

12.6 Each party to Consortium/Sub-contractor must complete a separate declaration.

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

### 13. VARIATION

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

Yours Faithfully

ASSET DISPOSAL OFFICER  
Investment Recovery  
Procurement & SCM

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**TENDER ENQUIRY NO : OLT2096150**

**CLOSING DATE : FRIDAY, 17 NOVEMBER 2023 @ 10.00 AM**

**CONTACT PERSON :**

**TENDER SUBMISSION : [Informaltendering@eskom.co.za](mailto:Informaltendering@eskom.co.za)**

Commercially required Returnable Documentation:

**Your tender must be submitted strictly in accordance with the requirements stipulated in this section and section 4 TENDER RETURNABLES**, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the “Offer to Purchase” to qualify for evaluation purposes.

**NB! A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract. A bidder who has an open non-conformance will be disqualified and not awarded a new contract**

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	<b>INVESTMENT RECOVERY OFFER TO PURCHASE FORM INVITATION TO TENDER</b>	<b>OLT2096150</b>
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### LISTINGS

Item No.	QTY	DESCRIPTION	PRICE OFFERED (INCLUSIVE VAT)
1	AS AND WHEN AVAILABLE	SCRAP KVA TRANSFORMERS AND MINI-SUBS FROM 5 KVA TO 1000 KVA	<b>TO GO THOROUGH EVALUATION PROCESS FIRST AND THEN E-AUCTION PRICING TOOL TO BE USED</b>

**FULL COMPANY NAME:** \_\_\_\_\_

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

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

**OFFER SUBMITTED BY – FULL NAME :** \_\_\_\_\_

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

**DATE :** \_\_\_\_\_ **ID NUMBER :** \_\_\_\_\_

**E- MAIL :** \_\_\_\_\_ **CONTACT NUMBER :** \_\_\_\_\_

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

**FULL COMPANY NAME:** \_\_\_\_\_

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**CSD REGISTRATION NUMBER : MAAA**\_\_\_\_\_

**BBBEE LEVEL CONTRIBUTOR :** \_\_\_\_\_

**CONTACT PERSON NAME:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**TELEPHONE NUMBER :** \_\_\_\_\_

**COMPANY PHYSICAL ADDRESS:**  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNED:** \_\_\_\_\_

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

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