

	Procurement Strategy (R10m to R300m)	Document Identifier	240-109836084	Rev	3
		Effective Date	February 2023		
		Review Date	February 2028		

Sewage Plant 5 Years

MPKRI10673GX

ESKOM HOLDINGS SOC LTD KRIEL POWER STATION

INVITATION TO TENDER

FOR THE


THE OPERATION AND MANAGEMENT OF THE SEWAGE TREATMENT PLANT AT KRIEL POWER STATION FOR A PERIOD OF 5 YEARS AT KRIEL POWER STATION

Tender number	MPKRI10673GX
Issue date	16 May 2023
Closing date and time	08 June 2023 at 10h00
Tender validity period	120 days from the closing date and time
1. COMPULSORY TENDER CLARIFICATION MEETING Compulsory Attendance to qualify for tender evaluation including the compulsory site inspection at Kriel Power Station on 25.05.2023	Date: Tuesday, 23 May 2023 Time: 13h00 Venue: MS TEAMS Send teams meeting request to BothaAB@eskom.co.za no later than 22 May 2023
2. COMPULSORY TENDER SITE INSPECTION Compulsory Attendance to qualify for tender evaluation including the compulsory tender clarification per MS Teams on 23.05.2023	Date: Thursday, 25 May 2023 Time: 12h00 Venue: Kwanala Boardroom, Kriel Power Station (outside main gate – see map)
Tenders are to be delivered to the following address on the stipulated closing date and time:	ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI, MPUMALANGA GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E

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INVITATION TO TENDER

Eskom Holdings SOC Ltd (hereinafter "Eskom") inviting all entities to submit a tender for the Operation and Management of the Sewage Treatment Plant at Kriel Power Station for a period of 5 years at Kriel Power Station as per the NEC Term Service Contract Service Information issued with this invitation tender number MPKRI10673GX.

The tender was advertised on the Eskom Tender Bulletin (www.eskom.co.za) and National Treasury e-portal (www.etenders.gov.za) and documents to be obtained from these websites. The enquiry documents are free of charge. **Take note that the tendering period starts on the day that the tender is published and expected that the interested tenderers start preparing by reviewing the issued documents.**

- ❖ It is **compulsory to attend the tender clarification meeting on MS Teams and the site inspection** on the arranged dates to qualify for tender evaluation. **Only tenders received from those on the attendance register of both meetings will be evaluated.** The arrangements are as follows:

⇒ **MS Teams Compulsory Tender Clarification Meeting: Tuesday, 23 May 2023 (13h00)**

Interested tenderers to send an e-mail to the Eskom Representative, A Botha BothaAB@eskom.co.za by no later than 22 May 2023 for the electronic meeting invitation. Requests on the day of the meeting will not be processed.

⇒ **Compulsory Site Inspection: Thursday, 25 May 2023 (12h00)**

Venue: Kwanala Boardroom – see map attached (outside main gate)

- No reservation is required to attend. All to meet at the venue for completion of the attendance register. Once the attendance register is taken in it is no longer available for completion. The attendance register will not be available at the site where the inspection will take place.
- The tenderers and Eskom Team will depart together from Kwanala Boardroom.

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender issued with this tender. Queries relating to these Invitation documents may be addressed to the Eskom *Representative*.

Yours faithfully



Date: 15/05/2023


M Mutheiwana

Procurement Manager (Acting), Kriel Power Station

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Reference	Attached
Commercial			
1.1	Acknowledgement form	Annexure A	Yes
1.2	Tenderer's particulars	Annexure B	Yes
1.3	Integrity Declaration Form (refer to the Supplier Integrity Pact and read)	Annexure C	Yes
1.4	*CPA Requirements for Local Goods/Services	Annexure D	Yes
1.5	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
1.6	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Yes
1.7	*SBD 4 – Bidders Disclosure	Annexure I	Yes
1.8	Authority to Submit a Tender		Yes
1.9	Employment Equity confirmation		Yes
1.10	SDL&I Undertaking Form (Skills Development, CSI)		Yes
1.11	Affidavit Example		Separate
1.12	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		
1.13	NEC TSC, including clauses, conditions, price list and service information		
1.14	Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 8		
1.15	Code of Ethics 32-527		
1.16	Supplier Integrity Pact 240113650212 June 2016		
Safety			
2.1	Safety Annexure B 240-77471499 SHE Rules		Separate
2.2	SHE Specifications Sewage Plant		
2.3	Safety Contractor Health & Safety Requirements 32-136		
2.4	Hazardous List		
Quality			
3.1	Form A Tender & Contract Quality Requirements For 240-105658000 And Quality Requirements For ISO 9001 Standard		Separate
3.2	240-109253302 ITP Template 2016		
3.3	240-109253698 CQP Template 2016		
3.4	240-126469599 Method Statement template		

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender Rev 8** and in those instances, the clause numbers are referenced hereunder. The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents..

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Annali Botha E-mail: annali.botha@eskom.co.za
1.3 Enquiry documents	The Invitation to tender is MPKRI10673GX See the content list above for the enquiry documents.
Communication	The Eskom Tender Bulletin and the National Treasury Website will be the primary medium of communication. It will be required from the tenderer to visit these sites regularly during the tendering period till closing date to ensure that the latest communication was noticed.
1.4 Type of Invitation to Tender	This invitation to tender is: An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract works information.
1.7 Eskom's right to negotiate	Eskom reserves the right to enter into mandated negotiations with any one or more selected tenderer(s) in accordance with Eskom's approved procurement policies and procedures.
2.1 Eligible tenders	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.

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	<p>Tenderers are deemed ineligible to submit a <i>tender</i> if:</p> <ol style="list-style-type: none"> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this process, if : <ol style="list-style-type: none"> (a) they have a controlling partner/majority shareholder in common; or (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; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
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2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:</p> <p>Date: Thursday, 08 June 2023 Time: 10h00 Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI MPUMALANGA GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E</p>
2.7 - 2.12 Submitting a Tender	<ul style="list-style-type: none"> ○ Submit a complete original tender and mark clearly on the outside "ORIGINAL". ○ Submit one (1) complete hard copy of the original tender and mark clearly on the outside "COPY". ○ Ensure that the documents are bind properly. Do not submit loose pages. ○ It is recommended that the set of tender documents contain an Index List/List of Contents for ease of reference.
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> <p>The tender must be submitted in English. Tenders may not be written in pencil and must be completed in ink.</p>
2.13 Tender Validity Period	<p>The tender validity period is 120 days</p> <p>Eskom may request to extend the <i>validity period</i> for a specified additional period. A tenderer agreeing to the request will not be required or permitted to modify a tender.</p>

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2.16 Site/clarification meetings	<p>A COMPULSORY tender clarification meeting per MS Teams and COMPULSORY site inspection with representatives of the <i>Employer</i> will take place as follows:</p> <ol style="list-style-type: none"> MS TEAMS TENDER CLARIFICATION MEETING (compulsory attendance) Date: Tuesday, 23 May 2023 Time: 13h00 Send request for electronic invitation per e-mail to BothaAB@eskom.co.za no later than the day before (22.05.2023) SITE INSPECTION (compulsory attendance) Date: Thursday, 25 May 2023 Time: 12h00 Venue: Kwanala Boardroom, Kriel Power Station (outside main gate – see map) An attendance register will be made available. <p>Please note that if the tender stipulates that a site / clarification meeting is mandatory / compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory / compulsory meeting will be disqualified and will not be evaluated.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 (five) working days before the deadline for tender submission.
3.1 Response to clarifications	The responses will be published to all tenderers in the same manner the <i>enquiry documents</i> were issued and it is the tenderers responsibility to check the Eskom Tender Bulletin and NT e-Tender Portal regularly for updated responses to clarifications.
2.22 Alterations to documents	The issued documents to be used for completion and not a retyped version from the tenderer.

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	Do not make any alterations or additions to the tender documents, other than for purposes of complying with instructions issued by the Eskom Representative or if necessary to correct errors made by the tenderer. All such alterations shall be initialed by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.
2.23 Alternative tenders	<p>An alternative tender is allowed and may be based only on the following criteria and subject to acceptance by the Employer:</p> <ul style="list-style-type: none"> • A different completion date • A different payment method • Different technical methods and specifications • A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Term Service Contract
2.25 Conditions of contract	The conditions of contract will be the NEC3 Term Service Contract
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached must be submitted with the tender.
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline. Tenders will be opened on:</p> <p>Place: Witbank Tender Office</p> <p>Date: 08 June 2023</p> <p>Time: After Tender Closing</p>
3.5 Prices to be read out	Prices will not be read out.
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)

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3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.</p> <p>Acceptance/responsiveness tender proceeds to be evaluated. Non-responsive/unacceptable tender will be disqualified.</p> <ul style="list-style-type: none"> - Mandatory: Mandatory tender returnable requirements as per evaluation criteria's and Other: Prequalification criteria in terms of the 2017 PPPFA Regulations: None 												
3.13 Functional requirements	<p>Functional requirements are applicable.</p> <p>The technical evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.</p> <p>Tenderers who meet the minimum qualifying score will move onto the next stage of evaluation.</p> <p>Responsive tenders proceed to be evaluated. Non-responsiveness to basic compliance and mandatory documents, the tender will be disqualified.</p> <table border="1"> <thead> <tr> <th>Criteria</th><th>Weight</th></tr> </thead> <tbody> <tr> <td>Previous Experience</td><td>40%</td></tr> <tr> <td>Resources and Competencies</td><td>20%</td></tr> <tr> <td>Assurance Requirements</td><td>10%</td></tr> <tr> <td>Operations</td><td>10%</td></tr> <tr> <td>Training and Development</td><td>20%</td></tr> </tbody> </table> <p>Refer to the section for the Technical Functionality</p>	Criteria	Weight	Previous Experience	40%	Resources and Competencies	20%	Assurance Requirements	10%	Operations	10%	Training and Development	20%
Criteria	Weight												
Previous Experience	40%												
Resources and Competencies	20%												
Assurance Requirements	10%												
Operations	10%												
Training and Development	20%												

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	evaluation criteria
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> 1. Inclusive of VAT 2. Making the specified correction for arithmetical errors 3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. <ul style="list-style-type: none"> • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <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 10 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level 1 or 2 as per this invitation to tender, the tenderer will be disqualified.</p>
3.18 Ranking of tenders	<ul style="list-style-type: none"> • Financial Evaluations: <p>Suppliers will be required to submit NEC Pricing Data (Price List) for price evaluations which will be ranked using the 80/20 preference point system as follows:</p> <p>Calculate price points out of 80 (Price = Tendered or evaluated price).</p>

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	TABLE: PREFERENCE POINT SYSTEM																			
	<table><tr><th>Adjudication Criteria</th><th>Points</th></tr><tr><td>$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$</td><td>80</td></tr></table>	Adjudication Criteria	Points	$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80															
	Adjudication Criteria	Points																		
	$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80																		
	Where:																			
	Ps = Points scored for price of Bid under consideration																			
	Pt = Rand value of Bid under consideration																			
	Pmin = Rand value of lowest acceptable Bid																			
	TABLE 5: BBBEE LEVEL SCORE																			
	<table><tr><th>BBBEE Level</th><th>Number of points (80/20 system)</th></tr><tr><td>1</td><td>20</td></tr><tr><td>2</td><td>18</td></tr><tr><td>3</td><td>14</td></tr><tr><td>4</td><td>12</td></tr><tr><td>5</td><td>8</td></tr><tr><td>6</td><td>6</td></tr><tr><td>7</td><td>4</td></tr><tr><td>8</td><td>2</td></tr><tr><td>Non-compliant</td><td>0</td></tr></table>	BBBEE Level	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-compliant
BBBEE Level	Number of points (80/20 system)																			
1	20																			
2	18																			
3	14																			
4	12																			
5	8																			
6	6																			
7	4																			
8	2																			
Non-compliant	0																			
Tenderers shall be allocated points in accordance with the below Preference Points Scorecard:																				
<ul style="list-style-type: none">Maximum 20 points will be allocated to specific goals;Apply preference points according to B-BBEE level contribution;Add price points and preference points; and select tender with highest pointsPrice Points + Preference Point																				
In the event that companies submitting a joint venture or a consortium, a consolidated BBBEE certificate from an accredited verification agency must be submitted. The tenderer with the highest points will be awarded the contract.																				
3.17 Evaluation of Specific Goals	Proof of compliance to the stipulated Specific goals applicable to JV tenders.																			
	Failure on the part of the supplier to submit supporting documents/proof of specific goals for																			

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	<p>purposes of evaluation and scoring by tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p>
3.19 Objective Criteria (if applicable)	Objective criteria is not applicable.
3.20 Reverse e-auction (if applicable)	Reverse e-auction is not applicable.
Contractual Requirements (if applicable)	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> • Safety and Health • Quality • Environmental • Due Diligence • Skills Development • Job Creation • Corporate Social Investment <p>Safety, Quality, Environmental, Due Diligence, Skills Development and Job Creation will be contractual requirements, which implies that documents are expected to be submitted with the tender, however the omitted SHEQ, Due Diligence, Skills Development and Job Creation information may be requested from those who were found responsive in the SDL&I, Commercial and Technical evaluation areas.</p>
2.25 Contractual Condition	The conditions of contract will be the NEC Term Service Contract.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable.

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Evaluation of Tenders	<p>The evaluation will be conducted in terms of the Preferential Procurement Policy Framework Act ("PPPFA"). The evaluation process and criteria will be as follows:</p> <ul style="list-style-type: none"> • Stage 1: Acceptance/Responsive Tender (Basic Compliance and Mandatory documents) • Stage 2: Technical Functionality Criteria • Stage 3: Price and BBEE (80/20) • Stage 4: Contractual requirements
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Please note:

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

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

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

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

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

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

"proof of B-BBEE status level of contributor" means-

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

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3. TENDER RETURNABLES FOR EVALUATION


NOTE: Signing of Tender Documents	Please note that all tender returnable documents under the mandatory section that requires the tenderers signature, needs to be signed in full for it to be a valid document.
--	--

Reference	COMMERCIAL Returnable From Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	<ul style="list-style-type: none"> One (1) hard copy of the tender Meet the eligibility criteria for a tenderer Submit one (1) hard copy of the original tender to Eskom Submit a complete original tender with commercial, financial and technical information Submission of the mandatory commercial tender returnables as at stipulated deadlines. Central Supplier Database (CSD) number (MAAA)) 	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form	✓		
Annexure D	CPA for local goods/services		✓	
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
Annexure I	SBD 4 – Bidders Disclosure	✓		
Authority Form / Letter	Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)	✓		
NEC Documentation	C1.1 Offer and Acceptance (tender amount and signature)	✓		

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	C1.2 Contract Data (Part Two – Data provided by the Contractor) To be completed – do not leave blank areas If the direct fee and subcontractor fee is not completed, payment will be at actual cost without any fee percentage considered	✓		
	C2.2 Price List Do not make any changes/alterations to the price list. Tenderers are to quote for ALL line items on the price list. If ALL the lines are not quoted for, Eskom reserves the right to disqualify the submitted tenderer.	✓		
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			✓
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.			✓

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Reference	SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION Returnable From Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
*B-BBEE Certificate / Affidavit	<ul style="list-style-type: none"> • Copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or • Certified copy of B-BBEE Sworn Affidavit for either EME or QSE.; or • Copy of B-BBEE Certificate issued by CIPC for EMEs' only. <p>KEY NOTES OF DETERMING VALIDITY OF B-BBEE SWORN AFFIDAVITS: Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ul style="list-style-type: none"> • Name/s of deponent as they appear in the identity document and the identity number. • Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. <u>(Mark the applicable option).</u> • Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. • Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <u>(No blank spaces to be left).</u> • Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. <u>(Mark the applicable option).</u> • Financial year end as per the enterprise's registration documents, which was used to 		✓	

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	<p>determine the total revenue. <u>(Financial year end to be stipulated by day/month/year).</u></p> <ul style="list-style-type: none"> • B-BBEE Status level. An enterprise can only have one status level. (Tick applicable level) • Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. • Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u> • Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. <p>For the tender being open to all entities the B-BBEE certificate/affidavit to be used for scoring purposes, if not submitted with the tender or not valid, the tenderer will score zero (0) and will not be disqualified.</p> <p>NB: The following documents are required to claim preference points,</p> <ul style="list-style-type: none"> • Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit • Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown • Certified ID copies of shareholder(s) • Proof of Disability (where applicable) 			
Company Documents	CIPC Registration Documents		✓	
	<ul style="list-style-type: none"> • Financial Statements <p>Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required.</p> <p>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>		✓	

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	ID copy of Member/s, Shareholder/s and/or Director/s		✓	
	Share Certificate/s		✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	Proof of compliance to the stipulated Specific goals.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
# Specific Goals	Failure on the part of the supplier to submit “ proof of specific goals for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.		✓	

Reference	PROJECT MANAGEMENT REQUIREMENT Returnable From Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
CSI	CSI% to be negotiated to 2% per invoice value The contractor to contribute 2% of the contract value towards Socio Economic Development initiatives around Kriel Power Station.			✓

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Reference	FUNCTIONALITY CRITERIA	Returnables at tender closing. The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%. Those who do not meet the threshold will not be evaluated further.
	Returnable From Tenderer	

	Qualitative Technical Criteria Returnable from Tenderer								
1.	PREVIOUS EXPERIENCE		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)	Evaluation Scoring Breakdown			
						0 (0%)	2 (40%)	4 (80%)	5 (100%)
	1.1	The tenderer to supply proof of similar work undertaken in the past. This will include name of company for whom work was performed, duration of the contract, scope of contract, details of contact person (Refer to scoring breakdown)	NEC document Part 3: Scope of Work, Section 3	40	75	Insufficient or No Information Provided.	Proof of one previous contract for similar work is provided. The key attributes viz. Name of company, duration of the contract, scope of the contract, details of contact person is	Proof of two previous contract for similar work is provided. The key attributes viz. Name of company, duration of the contract, scope of the contract, details of contact person is provided.	Proof of three previous contract for similar work is provided. The key attributes viz. Name of company, duration of the contract, scope of the contract, details of contact person is

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							provided.		provided.
	1.2	The tenderer to supply an example of a previous report provided for a client. The report should include the reporting of results as well as the reporting on any observations.	NEC document Part 3: Scope of Work, Section 3		25	*No Information Provided or *Only Water Quality Results or *Only Discussion and Conclusion Provided.	Report provided includes the following fields: 1. Water Quality Results 2. Discussion and Conclusion	Report provided includes the following fields: 1. List of Defects reported 2. Water Quality Results 3. Discussion and Conclusion	Report provided includes the following fields: 1. Summary 2. List of Defects reported 3. Water Quality Results 4. Discussion and Conclusion
2.	Resources and Competencies		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)	Evaluation Scoring Breakdown			
						0 (0%)	2 (40%)	4 (80%)	5 (100%)
	2.1	Tenderer to provide organogram of staff that will support the contract (This must include staff that will be on site daily as well required support / management staff).	NEC document Part 3: Scope of Work, Section 3	20	20	*No information Provided or *All required site staff not provided or *Only management	Organogram includes all required site staff. No information on management staff or support staff is provided.	Organogram provided includes all required site staff and management staff. There is no indication if any support staff is required.	Organogram provided includes all required site staff and required support and management staff. Where support staff is not required a letter is

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						or support staff provided.			provided indicating the reasoning.
	2.2	Submit for each person on the organogram the certified qualification and a curriculum vitae with list of work experience with reference to a contact person and contact number.			80	No information Provided	The experience and/or certified qualifications of all staff is not provided or the qualifications and experience of any staff member is insufficient to register them with the Department of Water Affairs in the categories stipulated in the Employers Scope within a three month period	The experience and certified qualifications of all staff is sufficient to register staff with the Department of Water Affairs in the categories stipulated in the Employers Scope within a three month period.	The experience and certified qualifications of all staff is immediately sufficient to register staff with the Department of Water Affairs in the categories stipulated in the Employers Scope

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3.	Assurance Requirements		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)	Evaluation Scoring Breakdown			
						0 (0%)			5 (100%)
	3.1	Tenderer to provide proof that the water quality analysis will be undertaken by a SANAS accredited laboratory.(certified copy of agreement)	NEC document Part 3: Scope of Work, Section 3	10	100	*No Information is Provided or *An unsigned agreement is provided.			A signed agreement between the SANAS accredited laboratory and the Tenderer is provided.
4.						Evaluation Scoring Breakdown			
	Operations		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)	0 (0%)	2 (40%)	4 (80%)	5 (100%)
	4.1	The tenderer to provide a take-over plan to ensure a smooth transition on the operational aspects of the plant.	NEC document Part 3: Scope of Work, Section 3	10	100	No take-over plan provided or three or less of the six sections	A detailed take-over plan is provided which includes four of the six sections	A detailed take-over plan is provided which includes five of the six sections listed.	A detailed take-over plan is provided which includes all of the six sections listed.

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		<p>The take-over plan must include:</p> <ol style="list-style-type: none"> 1. Details of staff immunisation plans 2. An indication of all records that will be kept during the duration of the Contract. 3. An indication of all monthly reports that will be submitted during the duration of the contract. 4. A Plan on how the cleanliness of the site will be maintained. 5. A plan on what items will be inspected and maintained daily 6. A plan on how safety requirements will be addressed. 				provided	listed.		

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5.	Training and Development	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)	Evaluation Scoring Breakdown			
					0 (0%)	2 (40%)	4 (80%)	5 (100%)
5.1	The tenderer to provide a Training and Development plan for each employee. The plan must include on-job training and technical training. The plan must include: <ol style="list-style-type: none"> Employee Details. List of classroom/formal training and dates of when this will be undertaken. Methodology on how the on-job training will be undertaken. 	NEC document Part 3: Scope of Work, Section 3	20	100	No Information is provided or *Only the Employees details is provided or *Anyone of the Employees is omitted from the Training and Development Plan.	A Training and Development Plan for each Employee is provided which includes only the list of classroom/formal training and dates of when this training will be undertaken or the Methodology on how on-job training will be	A Training and Development Plan for each employee is provided which includes: <ol style="list-style-type: none"> Employee Details. List of classroom/formal training and dates of when this will be undertaken. Methodology on how the 	A detailed Training and Development Plan for each employee is provided which includes: <ol style="list-style-type: none"> Employee Details. List of classroom/formal training and dates of when this will be undertaken.


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							undertaken.	on-job training will be undertaken. 4. The training plans must include training on the Safe Handling of Chlorine.	3. Methodology on how the on-job training will be undertaken. 4. The training plans must include training on the Safe Handling of Chlorine and the use of Safety Equipment.
--	--	--	--	--	--	--	-------------	--	--

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DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS

Please Note:

Contractual requirements are not evaluation criteria – does not result in a disqualification if not submitted at tender stage. They are required to be met and assessed after the evaluation and ranking of the tenders. Failure to meet “Contractual Requirements” by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award. However, it is advisable to submit the documents at tender stage to avoid delays and possible disqualification.


Reference	SAFETY HEALTH REQUIREMENTS Returnable from Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award .
Safety Category 1				
Annexure B	Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?			✓
Costing for Safety Health and Environmental management	Has the tenderer submitted detailed (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. – <ul style="list-style-type: none"> based on the overall scope of work/service to be performed; the generic scope of work/service risk assessment – this may serve as a guideline. 			✓
Safety, Health and Environmental Plan for Scope of work not limited to the following: (Applicable to High risk)	<ul style="list-style-type: none"> SHE organization within the Company-Responsibility & Accountability SHE Incident management Planning of conduct of work activities including planning for changes and emergency work Waste management plan PPE- Personal Protective Equipment Emergency planning and fire risk 			✓

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	management <ul style="list-style-type: none"> • Vehicle and driver behavior safety • Contractor or supplier selection and management • Design and specifications • Competency, training, appointments • Communication and awareness • Management commitment and visible felt leadership 			
Environmental Management plan	(Applicable to high risk work only)			✓
OHS plan	(Applicable to high risk work only) <ul style="list-style-type: none"> • OHS organization within the Company-Responsibility & Accountability • SHE Incident management • Planning of conduct of work activities including planning for changes and emergency work • PPE- Personal Protective Equipment • Emergency planning and fire risk management • Vehicle and driver behavior safety • Contractor or supplier selection and management • Design and specifications • Competency, training, appointments • Communication and awareness • Management commitment and visible felt leadership 			✓
Baseline Risk Assessment (BRA)	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, should be in line with the hazard checklist provided			✓
Valid Letter of Good Standing (COIDA or equivalent)	The date of Expiry should not be later then the date of closing date for the tender			✓
SHE policy signed by CEO/ MD-	Comply to OHS Act Section 7 or OSHAS 18001			✓
Medical fitness certificate	x 1 or Medical surveillance program for non-operational suppliers or supplier with no employees			✓
SHE Competency	(Consider scope of work, risks, SHE plan and			✓

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	applicability) CV,s and qualifications / certificates e.g. <ul style="list-style-type: none"> - First aiders - Safety officer - Environmental officer - SHE officer - SHE Representative - HCS Controller - Incident investigator 			
--	--	--	--	--

Reference	QUALITY REQUIREMENTS	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Quality Cat 2	Returnable from Tenderer			
Section A : Select Option 1 or 2				
SECTION A : Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body	- A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant			✓
	- A.2 Certificate by Approved and Authorized certification authority			✓
	- A.3 Certification Authority has Recognized International Accreditation			✓
	- A.4 Validity (expiry date) of certificate			✓
OR				
SECTION A : Quality Management System Requirements ISO 9001 (Option 2) Objective	- A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope.			✓
	- A.2 Quality Policy Approved by top management.			✓
	- A.3 Quality Objectives Approved by top management.			✓

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evidence of documented QMS that is not certified but complies with ISO 9001	- A.4 Records required by ISO 9001 standard (List of Records)			✓
	- A.5 Control of documented information			✓
	- A.6 Documented information for Control of nonconforming outputs			✓
	- A.7 Documented information for Nonconformity and Corrective action			✓
	- A.8 Documented information for Internal audit			✓
SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)	- B.1 Documented information for defined roles, responsibilities and authorities			✓
	- B.2 Documented information for Control of Externally Provided Processes, Products and Services			✓
	- B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports)			✓
SECTION C: Contract Quality Plan Requirements (Ref QM-58 and 240-109253698).	- NB! Draft Contract/Project Quality Plan has important QA deliverables <i>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</i>			✓
SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & QM 58)	NB! Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done			✓
SECTION E: User defined additional Requirements & miscellaneous (Ref QM-58) Customer specific requirements & other standards and required can be listed and evaluated here	- E.1 Form A is completed and signed			✓
	- E.2 Add other requirements (if applicable) as per the scope of work and/ or specification			✓

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Reference	ENVIRONMENTAL REQUIREMENTS	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Environmental Policy	The contractor must submit an Environmental Policy and proof of communicating it with the employees (project team). The policy should demonstrate your organization (top management)'s commitment to protection of the environment which is not only intended to prevent adverse environmental impacts through prevention of pollution, but to protect the natural environment from harm and degradation arising from the organisation's activities, products and services. The policy must also demonstrate commitment to compliance with legal and other requirements, prevent pollution and continually improve environmental performance.			✓
Environmental Aspects and Impacts Register	The contractor shall determine the aspects related to the scope of work. Aspect is an element of organization's activity, products or services which may interact with the environment and may cause negative or positive impact. While impact – refers to any change on the environment whether adverse or beneficiary. Changes to the environment, either adverse or beneficial, that result wholly or partially from environmental aspects are called environmental impacts. The environmental impact can occur at local, regional and global scales, and also can be direct, indirect or cumulative by nature. The relationship between environmental aspects and environmental impacts is one of cause and effect.			✓
Environmental Management Plan	The contractor must develop an environmental management plan (EMP) specific to the project - The Operation and Management of the Sewage Treatment Plant at Kriel Power Station for a period of 5 years. The EMP shall address how activities, which have potential to cause			✓

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	environmental impacts, will be managed during the lifespan of a project. Issues to be addressed may include but are not limited to noise, odour, dust, air quality, water quality, erosion, use of hazardous chemicals as well as waste generated.			
Environmental Representative	<p>The contractor must provide an appointment letter signed for the organisation's Environmental representative. The appointment letter shall be signed by the Top Management and the appointed representative. Responsibilities for the representative shall include the following:</p> <ul style="list-style-type: none"> • Implementation and maintenance of the Environmental Management System. • Ensuring the aspects and impacts of the organisation's products, activities and services are determined, documented, communicated, updated and managed in line with applicable compliance obligations. • Ensuring that environmental non-conformances arising from internal assessments and audits are effectively closed through implementing and tracking of corrective and preventive action plans. • Represent the organisation and participate in environmental management and related forums. • Undertaking internal assessments and reporting on the results as and when required to ensure that site conditions comply with the ISO 14001:2015 standard requirements, environmental authorisations, permits, licenses, notices and Environmental Management Plan requirements. This includes reporting on the Kriel Power Station EMS Scorecard for contractors. 			✓
Method Statement	A method statement must be submitted that explains the method that is going to be used to manage certain environmental aspect of the activity. It should clearly explain the step-by-step procedure which will be used execute the task.			✓

ANNEXURE A

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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: ☐

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: ☐

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4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position. ☐

Invitation to Tender/Request for Proposal No: _MPKRI10673GX_____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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 (do not leave blank): (ALL ENTITIES)


Name of lead partner, <u>or</u>	
Member in case of JV	

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CIPC Registration Number (for each individual company <u>or</u> JV member)	
VAT registration number (for each individual company or JV member)	
CIDB registration number (for each individual company <u>or</u> JV member if applicable)	
Shareholding information (for each individual company <u>or</u> 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)	<i>Include as separate tender returnable if required.</i>
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

If SUBCONTRACTORS are to be used, indicate the following for the main sub-contractor(s).


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	

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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) , provide your supplier registration number with Treasury	
3	It is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company	
4	You may register online at National Treasury website on www.treasury.gov.za	
5	If you are registered on SARS E-filing system, please provide your pin number in order to verify your tax compliant status	


6	If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing 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).	<table><tr><td>YES</td><td></td></tr><tr><td>NO</td><td></td></tr></table>	YES		NO	
YES						
NO						

8	If SUB-CONTRACTING is prescribed in the specific enquiry, you need to compete 8.1- 8.9						
8.1	Confirm if you intend sub-contracting	<table><tr><td>YES</td><td></td></tr><tr><td>NO</td><td></td></tr></table>		YES		NO	
YES							
NO							
8.2	What percentage will you be sub-contracting ?	%					
8.3	To whom do you intend sub-contracting						

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8.4	Is the said sub-contractor registered on CSD?	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						
8.5	If yes to 8.4, please provide CSD number					
8.6	Please confirm B-BBEE level of said sub-contractor					
8.7	<p>Which designated group does the sub-contractor belong to:-</p> <ul style="list-style-type: none"> a. An EME or QSE; b. An EME or QSE which is at least 51% owned by black people; c. An EME or QSE which is at least 51% owned by black people who are youth; d. An EME or QSE which is at least 51% owned by black people who are women; e. An EME or QSE which is at least 51% owned by black people with disabilities; f. An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships; g. A cooperative which is at least 51% owned by black people; h. An EME or QSE which is at least 51% owned by black people who are military veterans; or i. More than one of the categories referred to in paragraphs (a) to (h). 					
8.8	Please confirm that you have attached your signed intent to sub-contract document.	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						
8.9	Have you attached proof of sub-contractor's belonging to designated group	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						

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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)

Signed:	Date:
Name:	Designation:

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.

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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

1.a juristic person is “related” to another juristic person if:-

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; 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”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;


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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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


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

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

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


Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	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?		
1.3.1	Provide details.		
1.4	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		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

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3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [Position] _____ hereby declare that I am the duly authorised representative of _____ [Name of Tenderer].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in _____ [Name of Tenderer]:

Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:


Full Legal / Trading Name	Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity

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

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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, and

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

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

Signature:	
Designation and capacity in which signing	
Date:	

Joint Ventures

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

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


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

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

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Signature:	
Designation and capacity in which signing	
Date:	


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

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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:

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. 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:

1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. 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:

1. 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.
2. 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

- a. 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
- b. 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

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- Where a high, low and mean are published:
The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published.
The Cash Settlement or Cash Sellers Price
- c. 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
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI Final Manufactured Goods
	Zinc SEIFSA, F, zinc			OR Intermediate Manufactured Goods
	Lead SEIFSA ,F, lead			OR SEIFSA Table U Producer Price Index (PPI - final manufactured Goods OR Intermediate Manufactured Goods

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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	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			


Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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SBD1

PART A INVITATION TO BID


YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MPKRI10673GX	CLOSING DATE:	08 June 2023	CLOSING TIME:	10h00
DESCRIPTION	The Operation and Management of the Sewage Treatment Plant at Kriel Power Station for a period of 5 years at Kriel Power Station				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT :					
ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI, MPUMALANGA					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		<input type="checkbox"/> No		<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 VALID 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]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			


PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
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.

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2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE 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.


SIGNATURE OF BIDDER	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Proof of authority must be submitted e.g. company resolution / letter of authority to submit this tender)	
DATE:	

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

The following preference point systems are applicable to invitations to tender:

- 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).

To be completed by the organ of state

The applicable preference point system for this tender is the 80/20 preference point system.

Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for: Price and Specific Goals (BBBEE Points)

To be completed by the organ of state:

The maximum points for this tender are allocated as follows:


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

Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

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preference points for specific goals are not claimed.

The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)}
 \end{array}$$


Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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

POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)}
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmax = Price of highest acceptable tender

3.2 POINTS AWARDED FOR SPECIFIC GOALS

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

An invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.


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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

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

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


DECLARATION WITH REGARD TO COMPANY/FIRM

- Name of company/firm.....
 - Company registration number:
 - TYPE OF COMPANY/ FIRM
 - ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

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4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- 4.1 The information furnished is true and correct;
 - 4.2 The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - 4.3 In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - 4.4 If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - 4.4.1 disqualify the person from the tendering process;
 - 4.4.2 recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - 4.4.3 cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - 4.4.4 recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - 4.4.5 forward the matter for criminal prosecution, if deemed necessary.


SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

YES / NO _____

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


Full Name	Identity Number	Name of State Institution

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

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES / NO** _____

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES / NO** _____

2.3.1 If so, furnish particulars:

.....
.....

3. DECLARATION

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


- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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


Signature:	Date:
Position:	Name of Bidder:

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CONFIRMATION OF EMPLOYMENT EQUITY

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)

	<i>(indicate with a tick)</i>	
Are you currently employing more than 50 employees?	Yes	No

If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed

Date

Name

Position


tenderer

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		Review Date	May 2024		

Indicate the status of the *tenderer* by ticking the appropriate box hereunder. The *tenderer* must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company or organisation document which provides the same information for the relevant category as requested here.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR

A. Certificate for company


I,....., chairperson of the board of directors of, hereby confirm that by resolution of the board taken on (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

Signed:	Date:
Name:	Position: (Chairman of the Board of Directors)


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B. Certificate for close corporation


I,....., member of,
hereby confirm that by majority vote of the members taken on (date), Mr/Ms
....., acting in the capacity of, was authorised
to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the
company.

Signed:	Date:
Name:	Position: (Member)

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C. Certificate for partnership


We, the undersigned, being the **key partners** in the business trading as hereby authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.

Name	Address	Signature	Date


NOTE: This certificate is to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, an authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.


Furthermore 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.

Name of firm	Address	Authorising signature, name and capacity
Lead partner		


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E. Certificate for sole proprietor


I,, hereby confirm that I am the sole owner of the business trading
as

Signed:	Date:
Name:	Position: (Sole Proprietor)

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SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALISATION UNDERTAKING

It is proposed for tenderers to make undertakings to advance designated groups through local content, subcontracting and skills development commitments relevant to this tender MPKRI10673GX. It is preferred that this form be completed to indicate your acceptance/proposal.

Eskom reserves the right to negotiate with the tenderer on these requirements and will become a contractual obligation.

The contractor will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

SDL&I Penalty (contractual obligation)

- Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.
- For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.
- Alternatively the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations

SDL&I Reporting & Monitoring (contractual obligation)


- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

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a) SKILLS DEVELOPMENT

Eskom proposal:
Skills Development: 2x Plant Operator Class III
These targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation.

b) CORPORATE SOCIAL INVESTMENT (CSI)

It is expected for the tenderer to participate in a contribution to the Kriel area local community initiative per invoice value.

Criteria	Eskom Target	Tenderer acceptance
CSI	2% per invoice value	

No money will be exchanged. In co-operation with the relevant Kriel Committee, the contractor will be approached to contribute the CSI value at the time towards a project on the identified list. The contractor will be directly involved.

Name & Signature:	Date:
	Designation:
Name of tendering company:	

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