

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	15
		<b>Effective Date</b>	February 2023		
		<b>Review Date</b>	February 2028		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

#### FOR

#### **Provision of Environmental Control Officer (ECO) Services at Majuba Ash Disposal Facility (ADF)**

<b>Tender number</b>	<b>MPMAJ11010PS</b>
<b>Issue date</b>	<b>30 January 2024</b>
<b>Closing date and time</b>	<b>22 February 2024 at 10:00 AM South African Standard Time (SAST)</b>
<b>Tender validity period</b>	<b>Twelve Weeks from closing date and time</b>
<b>Clarification meeting</b>	<b>Non-Compulsory clarification meeting will be held on 08 February 2024 at 10:00 in Ben Steyn Auditorium, Majuba Power Station.</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>ESKOM HOLDINGS SOC LIMITED THE TENDER OFFICE 10 SMUTS AVENUE EMALAHLENI/WITBANK 1035</b>

#### **Invitation to Tender**

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for **Provision of Environmental Control Officer (ECO) Services at Majuba Ash Disposal Facility (ADF) Project**. The enquiry documents are supplied to you on the following basis:

1. Free of charge

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

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

Yours faithfully

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Pamela Cele

Procurement Manager

Date: 30 January 2024

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

<b>Number</b>	<b>Description</b>	<b>Annexure/to be downloaded and attached</b>	<b>Attached (Y/N/N/A)</b>
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (Refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	*CPA Requirements for Local Goods/Services	Annexure D	N/A
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).  Annexure C-Local Content Declaration-Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	N/A
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		Y
1.1.11	Reverse e-auction training acknowledgement form		N/A
1.1.12	Reverse e-auction process		N/A

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1.1.13	Contract Skills Development Goals (CSDG)	To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)	N/A
1.1.14	Contract Participation Goals (CPG)	To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)	N/A

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

<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is:  Name: Martin Mojela  Tel: 017 749 5106  E-mail: MajubaGCDTenders@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>MPMAJ11010PS</b>.</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> <li>An open Invitation to tender.</li> </ol>
1.6 Eskom's rights to accept or reject any tender.	<p>The tender shall be for the whole of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the eligibility criteria stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if.</p> <ol style="list-style-type: none"> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium.</li> <li>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.</li> </ol>

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	<p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:</p> <ul style="list-style-type: none"> <li>a) they have a controlling partner/majority shareholder in common; or</li> <li>b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer or influence the decisions of the Employer regarding this bidding process.</li> </ul> <p>5. Tenders signed by non- authorized persons.</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>Date 22 February 2024  Time 10:00 AM (SAST)  Late Tenders will not be accepted.  Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p><b>THE TENDER OFFICE</b>  <b>10 SMUTS AVENUE</b>  <b>EMALAHLENI/WITBANK</b>  <b>1035</b></p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</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>
2.13 Tender Validity Period	<p>The tender validity period is twelve (12) weeks.</p>
2.16 Site clarification meetings	<p><b>A non-compulsory site clarification meeting will be held on 08 February 2024 at 10:00 in Ben Steyn Auditorium, Majuba Power Station.</b></p> <p>It is advisable that the tenderers attend the site clarification meeting as a platform to ask questions that will ensure that a comprehensive and price competitive tender is submitted. Tenderers are urged to</p>

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	<p>constantly check updates of this tender on the advertised tender bulletins.</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is five (5) working days before the closing date for tender submission.</p>
2.23 Alternative tenders	<p>Alternative tenders <b>are not allowed.</b></p>
2.31 Provision of security for performance	<p>Not applicable.</p>
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline:</p> <p>Tenders will be opened on:  Place: Tender office, <b>Emalahleni/Witbank</b>  Date: 22 February 2024  Time: 10:00 AM (SAST)</p>
3.5 Prices to be read out	<p>Prices <b>will not be read out.</b></p>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria for a tenderer.</li> <li>2. A complete original tender, plus one (1) hard copy of the original tender</li> <li>3. Submit a complete original tender with commercial, financial, and technical information.</li> <li>4. Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>5. Central Supplier Database (CSD) number (MAA.....)</li> </ol>
3.10 Mandatory tender returnables	<p>Not applicable</p>
3.13 Functionality requirements	<p>Functionality requirements <b>are applicable.</b></p> <p>Functionality will be evaluated on a total average weight of 100%. A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications and Works Information requirements. Tenderers need to obtain a minimum score of <b>70%</b> or more technically to qualify for further evaluation.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p>

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	<b>Resource Plan</b>	<b>Criteria Weight</b>	
	As a minimum, a degree in Natural or Environmental Science from a recognised university with 2-3 years' experience as an Independent ECO in construction projects  OR  National Diploma in Natural or Environmental Science with more than 3 years' experience as an Independent ECO in construction projects	<b>50%</b>	
	Professional Registration with SACNASP (South African Council for Natural Scientific Professions) or any recognised professional body	<b>20%</b>	
	Minimum three (03) years of company experience providing Independent ECO services, (Company profile with list of independent ECOs projects and cell phone numbers of contacts must be attached as reference for evidence.	<b>30%</b>	
Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.			
3.15 Evaluation of price	Prices will be evaluated as follows: <ol style="list-style-type: none"> <li>1. Inclusive of VAT</li> <li>2. Making the specified correction for arithmetical errors</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule.</li> <li>4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>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.</li> </ol> <ol style="list-style-type: none"> <li>1. Unconditional discounts must be taken into account for evaluation purposes.</li> <li>2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ol>		

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	Prices will be scored out of 80 points																				
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80 points for price and will score 0 points for Specific goals (out of 20)</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: red; color: white;"> <th style="text-align: center; padding: 5px;">B-BBEE Status Level of Contributor</th> <th style="text-align: center; padding: 5px;">Number of points (80/20 system)</th> </tr> </thead> <tbody> <tr><td style="text-align: center; padding: 5px;">1</td><td style="text-align: center; padding: 5px;">20</td></tr> <tr><td style="text-align: center; padding: 5px;">2</td><td style="text-align: center; padding: 5px;">18</td></tr> <tr><td style="text-align: center; padding: 5px;">3</td><td style="text-align: center; padding: 5px;">14</td></tr> <tr><td style="text-align: center; padding: 5px;">4</td><td style="text-align: center; padding: 5px;">12</td></tr> <tr><td style="text-align: center; padding: 5px;">5</td><td style="text-align: center; padding: 5px;">8</td></tr> <tr><td style="text-align: center; padding: 5px;">6</td><td style="text-align: center; padding: 5px;">6</td></tr> <tr><td style="text-align: center; padding: 5px;">7</td><td style="text-align: center; padding: 5px;">4</td></tr> <tr><td style="text-align: center; padding: 5px;">8</td><td style="text-align: center; padding: 5px;">2</td></tr> <tr><td style="text-align: center; padding: 5px;">Non-compliant contributor</td><td style="text-align: center; padding: 5px;">0</td></tr> </tbody> </table> </div> <p><b>Note:</b>  <b>Failure on the part of the supplier to submit supporting documents/proof of specific goals for 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.</b> </p>	B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-compliant contributor	0
B-BBEE Status Level of Contributor	Number of points (80/20 system)																				
1	20																				
2	18																				
3	14																				
4	12																				
5	8																				
6	6																				
7	4																				
8	2																				
Non-compliant contributor	0																				
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: -</p> <ol style="list-style-type: none"> <li>1. 80/20 for tender with a rand value below R50 million</li> </ol> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p>																				
3.19 Objective Criteria	Objective criteria <b>are not applicable.</b>																				
3.20 Reverse e-auction (if applicable)	Reverse e-auction is <b>not applicable.</b>																				

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<b>Contractual Requirements</b>	<p>Contractual Requirements may include the following:</p> <ol style="list-style-type: none"> <li>1. <b>Quality requirements</b> The following are Quality requirements: <ul style="list-style-type: none"> <li>• Quality management system manual or a (Documented information) that have defines and describes the QMS and its scope.</li> <li>• Quality Policy, aligned with the supplier's strategic direction.</li> <li>• Quality Objectives</li> <li>• Control of documented information (both maintain and retain documented information)</li> <li>• Internal audit procedure</li> <li>• Control of nonconforming outputs</li> <li>• Nonconformity and Corrective action procedure</li> <li>• Draft Contract Quality Plan</li> <li>• Example Inspection and Test Plan (ITP) or Quality Control Plan (QCP)</li> <li>• Documented information for Control of Externally Provided Processes, Products and Services</li> <li>• Documented information for roles, responsibilities, and authorities</li> <li>• Form A which will be issued will Enquiry and submitted back.</li> </ul> </li> <li>2. <b>Safety requirements</b> The following are SHEQ requirements: <ul style="list-style-type: none"> <li>• Letter of good standing.</li> <li>• Occupational Health and Safety (OHS) (H&amp;S Policy signed by the (Chief Executive Officer or Managing Director (CEO or MD) of the company.</li> <li>• Breakdown of costs for health and safety mitigation measures.</li> <li>• Acknowledgement of Eskom procedures and standards on Annexure B.</li> </ul> </li> <li>3. <b>Financial statements</b> The following are Financial Analysis: The supplier must submit a two (2) years Audited Financial Statements not older than 18 months, if the financial statement are not audited the supplier must submit the income tax (ITA34C) and public interest score.</li> </ol>
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	<p><b>Please note:</b> Contractual requirement are not evaluation criteria. The required to be met and assessed after evaluation and ranking of the tenderers. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet contractual requirement, by the stipulated deadlines, may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during the execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
Other SDL&I Requirement	Not applicable
2.25 Contractual Condition	<p>Applying: NEC3 PSC (Option E)  Dispute resolution Option  W1: Dispute resolution procedure</p> <p>Secondary Options  X2: Changes in the law  X9: Transfer of rights  X10 Employer's Agent  X11: Termination by the Employer  X18: Limitation of liability</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements	Not applicable

**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.**

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

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

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

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

### **1.3 TENDER RETURNABLES**

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

#### **NOTE:**

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

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

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

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Reference	<b>Returnable From Suppliers</b>	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	A complete original tender, plus one (1) hard copy of the original tender	✓		
<b>Annexure A</b>	Acknowledgement Form	✓		
<b>Annexure B</b>	Tenderers Particulars	✓		
<b>Annexure C</b>	Integrity Pact Declaration form	✓		
<b>Annexure D</b>	CPA for local goods/services (if applicable)	N/A		
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	N/A		
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	N/A		
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
<b># Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
<b>Annexure I</b>	SBD 4 – Bidders Disclosure		✓	
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.		✓	
	# 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.		✓	

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<b># Specific Goals</b>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” 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.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓	
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			✓
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓	
<b>CIDB</b>	Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline.  Where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration for grading 9ME with the CIDB by tender closing deadline and proof of actual registration 21 working days from tender closing date.	N/A		
<b>NEC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data.	✓		
	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or		✓	

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	a licensed compensation insurer (South African tenderers only)			
<b>Quality</b>	Documents that may be required per scope of work		✓	
<b>Other safety/quality documents as required per scope of works</b>			✓	
<b>Environmental</b>	Documents that may be required as per scope of work		✓	
<b>Contractual Requirements</b>	Planning Requirements and Skills Development		✓	
<b>Job Creation</b>	Job Creation Proposal		N/A	
<b>Local Procurement Content</b>	Local Procurement Content confirmation		N/A	
<b>Due Diligence</b>	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. 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.		✓	
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	Technical requirements	✓		

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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


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

Correct as stated in the Invitation to Tender 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: \_\_\_\_\_

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

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

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

Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

**Please complete the following:**

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

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

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

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

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

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

7 . If sub-contracting is prescribed in the specific enquiry, you need to compete 7.1- 7.7

7.1 Confirm if you intend sub-contracting

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

7.2 What percentage will you be sub-contracting? \_\_\_\_\_%

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7.3 To whom do you intend sub-contracting? \_\_\_\_\_

7.4 Is the said sub-contractor registered on CSD?

YES	NO	_____
-----	----	-------

7.5 If yes to 8.4, please provide CSD number.\_\_\_\_\_

7.6 Please confirm B-BBEE level of said sub-contractor\_\_\_\_\_

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

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

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

YES	NO	_____
-----	----	-------

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

YES	NO	_____
-----	----	-------

## 1. Single tenderers

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

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

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

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

## 2. Joint Ventures

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

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

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

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## ANNEXURE C

### INTEGRITY DECLARATION FORM

**Note: This returnable is required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable is not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified.**

### **DECLARATION OF INTEREST**

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

1. the tenderer/s employees/directors are also employees/contractors/consultants/directors in the state or a state owned entity.
2. the tenderer/s employees/directors are also employees/contractors/consultants/directors of Eskom
3. the tenderer/s employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the legal person/s (including its employees/contractors/directors/members/shareholders) on whose behalf the tender documents are signed, is in some other way "related" to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation.  
"Related" meaning that:-
  1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
  2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
  3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of "control" (as per Companies Act section 2(1)) ; and

#### **1.a juristic person is "related" to another juristic person if:-**

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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.

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

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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** 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.

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

Item	Question	Yes	No
1.1	<p>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b>[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].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.2	Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)		

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

### 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**

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unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

**Individuals:**

Full Name	Identity Number	Shareholding Percentage

**Other Entities\*:**

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

#### 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

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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 JV's tender/proposal may be rejected, and that Eskom will act against the JV should any aspect of this declaration prove to be false; and**

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

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

**Signature:**

**Designation and capacity in which signing**

**Date:**

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

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## **ANNEXURE D**

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

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

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

This Section will not be applicable to professional services contract (See point 6. for Professional Services)

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

- 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.
- For contracts with a duration in excess of twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

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

Tenderers shall comply with the following requirements:

###### **A. Main Offer**

- A Main Offer that is fully compliant with CPA requirements as specified above.
- This condition is mandatory unless a fully fixed priced offer is submitted.

###### **B. Additional/Alternative Offers**

Additional/Alternative offers, which are optional, will only be considered if:

- Clause 2.23 in the Enquiry document allows for the proposal of an alternative CPA proposal/s and
- A fully compliant Main Offer is submitted and acceptable.
- An additional/Alternative offer may be:
  - (a) A fixed priced offer in addition to the fully CPA compliant Main Offer, or

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(b) Any other offer with CPA conditions that deviate from the CPA conditions indicated above (in Point 1).

However, it is compulsory that all such deviations be substantiated.  
Additional/Alternative Offers must be clearly marked as such.

### **3. CPA FIXED PORTION**

A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,

### **4. Base Date**

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

In this case, the following shall apply:

- Where the average is published:  
The average published price in the currency Eskom will be exposed to (e.g. The currency in which Eskom will effect payment)
- Where a high, low and mean are published:  
The mean
- Where other prices than the Cash Settlement or Cash Sellers Price are published:  
The Cash Settlement or Cash Sellers Price

### **5. INDICES**

- Indices are to be in the public domain.
- No in-house indices may be used for CPA

### **6. ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS**

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

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

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority and accessible to both parties. Supplier in-house indices are not acceptable.

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

## 6. 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 contract 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.

Signed

Date

Name

Position

Tenderer

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## ANNEXURE E

### **ESKOM REQUIREMENTS REGARDING PAYMENT FOR FOREIGN GOODS AND SERVICES**

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

#### Tenderers:

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic, for example, transport costs will only be paid in Rands

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

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

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

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

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

**Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods**

##### **Documentation to be submitted with payment:**

- Commercial invoice (from the foreign supplier)

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### **Import payments**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

Any one of the following documents as per the mode of transportation

- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt "goods despatched"
- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the relative goods to the Republic of South Africa**

### **Service- related payments**

#### **Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier)

#### **Applicable (Y / N)**

**OR**

#### **Payment Method 1B:**

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)

#### **Please note:**

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency.
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
  - a) Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account

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- b) Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
- c) Copy of the latest application to the Reserve Bank to renew the approval
- d) Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

**Import payments.**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the relative goods to the Republic of South Africa**

**Service-related payments**

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:
  1. A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
  2. A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

**Documents to submit with payment:**

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- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate**

**Applicable (Y/N)**

**OR**

**Payment Method 2:**

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well. As the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

**Please note:**

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier)
- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note

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- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the relative goods to the Republic**

- Local invoice or Tax invoice

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.**

**Applicable (Y/N)**

**OR**

**Fixed ZAR Option (Payment Method 3)**

This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

From a Commercial perspective, please take note of the following:

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

**Applicable (Y/N)**

**Documents to submit with payment**

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- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

### **Import payments**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the goods to the Republic of South Africa**

### **Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency**

### **Applicable (Y/N)**

**Please note:** Eskom will require substantiating proof of importation at the time of invoicing.

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

### **Take note of the following:**

#### **Service-related payment:**

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist

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is then brought into the country (South Africa) on one of two possible methodologies.

### 1) **Secondment**

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

#### **Documents to be attached for payment:**

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager

### 2) **Payroll Transfer**

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

## **PART 2: EXCHANGE RATES**

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

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

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

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

\_\_\_\_\_

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## ANNEXURE F1

SBD 6.2

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

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

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

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

- 1.1. DTIC makes provision for the promotion of local production and content.
- 1.2. DTIC prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

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

**The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp> at no cost.**

- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

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

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

Does any portion of the goods or services offered have any imported content?  
**(Tick applicable box)**

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

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

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

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

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

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

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

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

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

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

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

**NB**

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
------------------------------	---

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

**WITNESS No. 1** \_\_\_\_\_

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

**WITNESS No. 2** \_\_\_\_\_

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

#### Annexure F2- Local content Declaration-Summary Schedule (annex C)



Adobe Acrobat Document

#### Annexure F3 - Imports Declaration-Supporting schedule to Annex C(annex D)



Adobe Acrobat Document

#### Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)



Adobe Acrobat Document

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**ANNEXURE G**  
**SBD 1**

**PART A INVITATION TO BID**

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

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
<b>DESCRIPTION</b>					

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

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


**SUPPLIER INFORMATION**

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)  A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)  A REGISTERED AUDITOR NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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

### **BID SUBMISSION:**

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

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AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

#### **TAX COMPLIANCE REQUIREMENTS**

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

#### **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

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## 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 below 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.

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

- Price; and
- Specific Goals.

#### To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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

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mean that 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**

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

## **3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

### **POINTS AWARDED FOR PRICE**

#### **THE 80/20 PREFERENCE POINT SYSTEMS**

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

$$Ps = 80 \left( 1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

## **4. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT**

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## 5. POINTS AWARDED FOR PRICE

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 6. POINTS AWARDED FOR SPECIFIC GOALS

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

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applicable, corresponding points must also be indicated as such.

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

<b>B-BBEE Status</b>	<b>Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

## 7. DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....

2. Company registration number: .....

### 3. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions

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as indicated in paragraph 1 of this form;

3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  1. disqualify the person from the tendering process;
  2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
  5. forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....  
.....

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**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 interest<sup>1</sup> 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

<sup>1</sup> 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**

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 consortium<sup>2</sup> 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

---

<sup>2</sup> 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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the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

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