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

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

**THE SUPPLY AND DELIVERY OF VARIOUS SPARES AS LISTED BELOW FOR
KOEBERG NUCLEAR POWER STATION**

- 1. INTERFACE: DIGITAL I/P MODULE**
- 2. INTERFACE: DIGITAL OUTPUT CARD**
- 3. MODULE POWER SUPPLY**
- 4. CARD: TRUSTED INTERFACE**

| | |
|--|---|
| Tender number | WCKBG1139PM |
| Issue date | 7 SEPTEMBER 2023 |
| Closing date and time | 17 OCTOBER 2023 at 10h00 |
| Tender validity period | 360 Days (12 Months) from the closing date and time. |
| Clarification meeting | A clarification meeting will only be held upon request from the tenderer. A voluntary clarification meeting will be held at a date and time to be determined after the tender issue. |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | ESKOM HOLDINGS SOC Ltd ATT Tender Centre Block "E" Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa |

NB: National Treasury request suppliers to register on the Central Supplier Database.
<http://ocpo.treasury.gov.za>

**NOTE TO TENDERERS: PLEASE KEEP CHECKING THE TENDER BULLETIN
FOR ANY POSSIBLE ADDENDUMS TO THIS TENDER**

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| | | | | | |
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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the supply and delivery of six (6) Module: Monostable relay to Koeberg Nuclear Power Station

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).

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

Yours faithfully



Elmarie Capes

Senior Advisor

Date: 07 September 2023

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| | | | | | |
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| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

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

| Number | Description | Annexure/to be downloaded and attached | Attached (Y/N/ N/A) |
|--------|---|--|---------------------|
| 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 www.eskom.co.za 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 | Y |
| 1.1.5 | *CPA(IG) for Foreign Goods/Services (if applicable) | Annexure E | Y |
| 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 | | N/A |
| 1.1.11 | Reverse e-auction training acknowledgement form | Annexure J.1 | Y |

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| | | | | | |
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| | | | |
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| 1.1.12 | Reverse e-auction process | Annexure J.2 | Y |
| 1.1.13 | The Eskom e-Auction System User Guide for Prospective Bidders | Annexure J.3 | Y |
| 1.1.14 | Eskom Standard Conditions of Tender | Annexure K | Y |
| 1.1.15 | Eskom General Conditions of Purchase | Annexure L | Y |
| 1.1.16 | Price Schedule | Annexure M | Y |
| 1.1.17 | Contract Skills Development Goals (CSDG) [if applicable] | | N/A |
| 1.1.18 | Contract Participation Goals (CPG) [if applicable] | | N/A |

- 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. The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

| Clause Number from Standard Conditions of Tender | Tender Data |
|--|--|
| 1.1 Parties | <p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is: Name: Puseletso Mahlentle Tel: 021 522 3966 E-mail: mahlenpl@eskom.co.za</p> |
| 1.3 Enquiry documents | <p>The Invitation to tender number is WCKBG1139PM</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 an open Invitation to tender utilising the Reverse E-Auction process to conclude</p> |

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|---|---|
| 1.6 Eskom's rights to accept or reject any tender | The tender shall be for the whole of the contract. |
| 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 ineligible to submit a tender if</p> <ol style="list-style-type: none"> 2. 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. 3. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium 4. [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 5. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if : <ol style="list-style-type: none"> 1. (a)they have a controlling partner/majority shareholder in common; or 2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; 6. Tenders signed by non- authorized persons 7. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 8. Any tenderer that is restricted by National Treasury 9. Any tenderer on the Tender Defaulters list. 10. A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p> |
| 2.2 -2.5 Tender Closing | <p>The deadline for Tender submission is:</p> <p>Date: 17 OCTOBER 2023</p> <p>Time 10H00 AM (Standard South African Time)</p> <p>Late Tenders will not be accepted</p> |

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| | |
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| | <p>Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p>THE TENDER OFFICE Tender Centre Block “E” Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa</p> <p>(Please allow extra time for registration at the entrance/security at Brackenfell Complex)</p> |
| 2.9 Copy of original tender | <p>The tenderer must submit the following at tender submission deadline:</p> <p>One (1) tender as a complete original tender, One (1) copy of the original tender (NOT BLANK COPY) One (1) Soft/electronic copy (Preferably on a USB/thumb drive – Do NOT send it on email)</p> <p>(The soft/electronic copy does not replace the second hard copy.)</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 | The tender validity period is 360 Days |
| 2.16 Site/clarification meetings | A clarification meeting will only be held upon request from the tenderer. A voluntary clarification meeting will be held at a date and time to be determined after the tender issue. |
| 2.17 Clarification on enquiry documents | The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission. |
| 2.23 Alternative tenders | <p>Alternative tenders are not allowed.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the Employer:</p> <ol style="list-style-type: none"> 1. A different completion date. 2. A different payment method. 3. Different technical methods and specifications |
| 2.31 Provision of security for performance | If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must |

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| | <p>be submitted with the tender.</p> <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 Centre Block "E" Stores Building Brackenfell Complex Eskom Road Brackenfell 7560 Western Cape, South Africa Date: 17 OCTOBER 2023 Time: 10H00 (Standard South African Time)</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> <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA.....) | | | | | | | | |
| 3.10 Mandatory tender returnables | 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. | | | | | | | | |
| 3.13 Functionality requirements | <p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1"> <thead> <tr> <th>Criteria</th><th>Weight</th></tr> </thead> <tbody> <tr> <td>Technical Requirements</td><td>70%</td></tr> <tr> <td>Quality Requirements</td><td>30%</td></tr> <tr> <td>Functional Evaluation Total</td><td>100%</td></tr> </tbody> </table> <p>*Refer to Annexure N and O</p> <p>Threshold for functionality is 80%</p> | Criteria | Weight | Technical Requirements | 70% | Quality Requirements | 30% | Functional Evaluation Total | 100% |
| Criteria | Weight | | | | | | | | |
| Technical Requirements | 70% | | | | | | | | |
| Quality Requirements | 30% | | | | | | | | |
| Functional Evaluation Total | 100% | | | | | | | | |

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| | Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further |
| 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. 6. Unconditional discounts must be taken into account for evaluation purposes; 7. 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 or 90 points</p> |
| 3.17 Evaluation of Specific Goals | <p>Specific goals will be scored out of 10 or 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 90/80 points for price and will score 0 points for Specific goals (out of 10/20)</p> <p>Allocation of preference points (10/20) Preference points must be awarded to a bidder for attaining the BBBEE status level of contribution in accordance with the table below:</p> |

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

To claim preference points, a tenderer must submit the proof of BBBEE status level of contributor (e.g. a valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit)

Failure on the part of a supplier to submit "Proof of B-BBEE status level of contributor" 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 on B-BBEE for purposes of PPPFA scoring and ranking.

A tenderer may not be awarded points for B-BBEE status level if the tender documents indicate that the tenderer intends to subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

Definitions

1. Black Person

Means Africans, Coloureds, Indians & Chinese:

- Who are citizens of the Republic of South Africa by birth or decent; or
- Who became citizens of the Republic of South Africa by naturalisation-
- Before 27 April 1994; or
- On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date

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2. 51% Black Owned

Means entity in which:

- Black people hold at least 51% of the exercisable voting rights as determined under Codes series 100 of the Dtic Codes of Good Practice as amended;
- Black people hold at least 51% of the economic interest as determined under Codes series 100 of the Dtic Codes of Good Practice as amended; and
- Has earned all the points for Net Value under statement 100 of the Dtic Codes of Good Practice as amended

Note:

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

3.18 Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-
Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-

1. 90/10 for tender with a rand value above R50 million or
 2. 80/20 for tender with rand value equal to or below R50 million
- OR**

state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system

Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.

3.19 Objective Criteria (if applicable)

Objective criteria: **Not applicable**

3.20 Reverse e-auction (if applicable)

Reverse e-auction **is applicable**


Please note:-

Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be

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| | | | | | |
|---|-----------------------------|----------------------------|---------------|------------|----|
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| | | Review Date | February 2028 | | |

| | |
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| | required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded. |
| Contractual Requirements (if applicable) | Contractual Requirements: Not applicable |
| 2.25 Contractual Condition | The conditions of contract: Not applicable |
| CIDB Requirements (where applicable for Engineering and Construction Works Contracts) | 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.

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

1.3 **TENDER RETURNABLES**

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

NOTE:

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| | | | | | |
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*** 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.

| Reference | Returnable From Suppliers | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|---|--|---|--|--|
| Basic Compliance | Two (2) hard copies of the tender One (1) additional complete soft copy of the original tender is in electronic format. (The soft/electronic copy does not replace the second hard copy.) | ✓ | | |
| Annexure A | Acknowledgement Form | | ✓ | |
| Annexure B | Tenderers Particulars | | ✓ | |
| Annexure C | Integrity Pact Declaration form | | ✓ | |
| Annexure D | CPA for local goods/services (if applicable) | ✓ | | |
| Annexure E | CPA(IG) for imported goods/services (if applicable) | ✓ | | |
| Annexure F1-F4 | SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E | | | N/A |
| Annexure G (applicable for all suppliers) | SBD 1- to be completed and submitted by all tenderers. | | | ✓ |

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| including Foreign suppliers) | | | | |
| # Annexure H | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations | ✓ | | |
| Annexure I | SBD 4 – Bidders Disclosure | | ✓ | |
| Annexure J1 – J3 | Reverse e-auction training acknowledgement form Reverse e-auction process The Eskom e-Auction System - User Guide for Prospective Bidders | | ✓ | |
| 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 Refer to page 8 - 9 on the ITT for more information | Failure on the part of the supplier to submit “ proof of specific goals ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking. | | ✓ | |
| Tax Clearance Certificates | A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required. | | | ✓ |
| Tax Evaluation Questionnaire (if services contract and was | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE] | | | ✓ |

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

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| included as annexure) | | | | |
| Compliance with Employment Equity Act | To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only) | | | ✓ |
| CIDB (where applicable) | 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 or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer | | ✓ | |
| Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work) | | ✓ | | |
| | DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED) | | | |
| Safety | COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only) | | | ✓ |
| Quality | Documents that may be required per scope of work | | | ✓ |
| Other safety/quality documents as required per scope of works | | | | ✓ |
| Environmental | Documents that may be required as per scope of work | | | ✓ |
| 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 | | | ✓ |

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

| | | | | |
|---|---|-----|---|--|
| | statements, but if successful with their tender will be required to send statements for the first year when once available. | | | |
| DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA | | | | |
| Annexure M | Completed pricing schedule | | ✓ | |
| Annexure N | Technical Evaluation Criteria (All deliverables indicated in Annexure N to be submitted) | ✓ | | |
| Annexure O | Quality Evaluation Criteria (All deliverables indicated in Annexure O to be submitted) | ✓ | | |
| Annexure P | DSG-312-085 | N/A | | |
| Annexure Q | Appendix A – Supplier Quality Assurance Requirements | | ✓ | |

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

| | |
|--|--|
| | |
| | |
| | |

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

1. We agree to provide the cataloguing information as described in the *tender submission*. ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [*insert previous invitation to tender/RFQ number*] ☐ _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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 | |

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

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

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Invitation to Tender

Document Identifier

240-114238630

Rev

16

Effective Date

February 2023

Review Date

February 2028

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS Efiling 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 Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

YES

NO

8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

8.1 Confirm if you intend sub-contracting

YES

NO

8.2 What percentage will you be sub-contracting? _____ %

8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

YES

NO

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

8.4 Please confirm B-BBEE level of said sub-contractor _____


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

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;

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

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

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

1. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

2. Joint Ventures

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

We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is

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

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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| | | |
| | | |
| | | |

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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:-
 1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and

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

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
 2. either is a subsidiary of the other; 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><i>[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].</i></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</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? | | |
| 1.3.1 | 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 |
|---------------------------|----------------------------------|-------------------------|--|---|
| | | | | |
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| | | | | | |
|---|-----------------------------|----------------------------|---------------|------------|----|
|  | Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

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

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

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

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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing | |
| Date: | |

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Joint Ventures

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

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

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

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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing | |
| Date: | |

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

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

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

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.

3. 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.

4. 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.

5. BASE DATE

1. 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
2. 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
1. In this case, the following shall apply:
 1. 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
 2. Where a high, low and mean are published:
The mean
 3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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

The Cash Settlement or Cash Sellers Price

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

3. 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 | _____ | | |

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 | Aluminium SEIFSA, R, aluminium | Building and construction material | | StasSA, PO142.1), PPI 4. Final Manufacture d Goods | |
| | Zinc SEIFSA, F, zinc | | | | |

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

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|-------------------|--------------------------------|---|--|--|
| allowance is paid | Lead SEIFSA ,F, lead | SEIFSA, G, building and construction material | | 5. Or Intermediate Manufacture d Goods OR 6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods |
|-------------------|--------------------------------|---|--|--|

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

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

Please note that the contracting party must be the direct importer of the goods
Applicable (Y / N)

Payment Method 1B;

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

Please note:

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

Applicable(Y/N) or

Payment Method 2:

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

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

the supplier.

Please note:

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

Applicable (Y/N).....

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

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

Fixed ZAR pricing

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

Applicable (Y/N).....

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

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

PART 2: EXCHANGE RATES

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

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

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

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

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

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

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

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

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

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

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

1. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

2. EXPATRIATE LABOUR METHOD

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

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

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

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

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

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

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

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


Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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

ANNEXURE G

SBD 1

PART A INVITATION TO BID

| | | | | | |
|---|---|--|-------------------------------------|---|--------------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | WCKBG1139PM | CLOSING DATE: | 17 OCTOBER 2023 | CLOSING TIME: | 10H00 |
| DESCRIPTION | Supply and delivery of spares for the 38-GSE004AR - detailed description listed on the price schedule | | | | |
| 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) | | | | | |
| ATT Tender Centre; Block "E" Stores Building; Brackenfell Complex | | | | | |
| Eskom Road Brackenfell 7560; | | | | | |
| Western Cape, | | | | | |
| South Africa | | | | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY? | | | | | |
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | <input type="checkbox"/> | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) | | | |
| | <input type="checkbox"/> | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) | | | |
| | <input type="checkbox"/> | A REGISTERED AUDITOR | | | |
| | | NAME: | | | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |

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

| | | | |
|--|--|--|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES 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 | | | |

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

PART B TERMS AND CONDITIONS FOR BIDDING

| | |
|--|---|
| BID SUBMISSION: | |
| 1. | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 2. | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE |
| 3. | BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 4. | WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 5. | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. |
| TAX COMPLIANCE REQUIREMENTS | |
| 1. | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2. | BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 3. | APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. |
| 4. | BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. |
| 5. | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. |
| 6. | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | |
| 1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. | |

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

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

ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

1. To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | |
|--|---------------|
| | POINTS |
|--|---------------|

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

| | |
|--|------------|
| PRICE | |
| SPECIFIC GOALS | |
| Total points for Price and SPECIFIC GOALS | 100 |

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

3. DEFINITIONS

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

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is 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-BBEE Status Level of Contributor | Number of points allocated (90/10 system) | Number of points allocated (80/20 system) | 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 | | |

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

DECLARATION WITH REGARD TO COMPANY/FIRM

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

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

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

5. forward the matter for criminal prosecution, if deemed necessary

| | |
|--|-------|
| <p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p> | |
| SURNAME AND NAME: | |
| DATE: | |
| ADDRESS: | |
| | |
| | |

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

Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

| Full Name | Identity Number | Name of State Institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

1. If so, furnish particulars:

.....
.....

3. DECLARATION

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

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

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

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

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

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

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

during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

| | |
|-----------|----------------|
| | |
| Signature | Date |
| | |
| Position | Name of bidder |

Annexure J.1 Acknowledgement Form - Reverse E-auctioning Training

Invitation to Tender No. **WCKBG1139PM**

Name of company/JV:

Name of contact person: _____

Contact person's details:

Tel (landline): _____

Cellphone: _____

E-mail address: _____

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

Acknowledgment:

I _____ (supplier name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on _____ at _____. I am satisfied with the training and I can confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

I _____ (supplier name) acknowledge that I have undergone self-training of the uploaded Reverse E-auction video, and did not have to attend the clarification meeting for me to understand it. I am satisfied with my self-training and confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

Signature: _____

Designation: _____

Date: _____

Annexure J.2

| | |
|----------------|--------|
| CLASSIFICATION | Public |
|----------------|--------|

| | |
|---------------|----------|
| FOR ATTENTION | Tenderer |
|---------------|----------|

| | |
|------|---------------------|
| FROM | Puseletso Mahlentle |
|------|---------------------|

| | |
|---------|----------------------|
| SUBJECT | Reverse E-Auctioning |
|---------|----------------------|

Definition of Reverse E-auctioning

| | |
|------|------------|
| DATE | 2023-09-07 |
|------|------------|

| | |
|-----------------|---------|
| ACTION REQUIRED | Reading |
|-----------------|---------|

| | |
|----------------|--------------|
| CONTACT NUMBER | 021 522 3966 |
|----------------|--------------|

WHAT IS REVERSE E-AUCTIONING?

Reverse e-auctioning means an electronic negotiation process that aims to achieve the most competitive prices for clearly specified items.

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

Reverse e-auctioning replaces the negotiation process, with an electronic negotiation process on price only, which provides the results of the tender process immediately.

Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest-ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA.

Reverse e-auction, when applicable, will only be considered once the normal procurement process has progressed to the point that the responsive tenderers have been identified.

Tenderers will be trained on the reverse e-auction system. Responsive tenderers will receive login details in order to participate.

Link to Eskom eAuction User orientation Video:

<https://www.youtube.com/watch?v=2OzleM6x-fs&t=27s>

Annexure J.3



The Eskom eAuction System

User Guide for Prospective Bidders

Last updated: 2019\05\15

Introduction

The Eskom eAuction site is a service in which external users and companies bid for products or services via the Internet. Eskom eAuction facilitate a competitive process between buyers and sellers in different locations or geographical areas.

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

Online auctions mirror traditional auctions and usually involve multiple bidder participation. In both scenarios, bidders and sellers buy and sell tangible and intangible products and services. Starting bids are at the Eskom reserve value but increase at steady rates to meet market demand and item popularity. The time span of an online auction ranges from one to 10 days for items.

Online auctions have become a widely accepted business model for the following reasons:

- No fixed time constraint
- Flexible time limits
- No geographical limitations
- Offers a highly competitive environment

Online auctions include business to business (B2B), business to consumer (B2C), and consumer to consumer (C2C) auctions.

The Eskom eAuction site enables Closed auction for both Eskom sales and Eskom purchases with Business Partners as well as open Auctions to the public where anyone can bid on an even basis for products.

Companies participating in Eskom eAuctions will be required to maintain their BBBEE score rating as Auctions are awarded on a point-based system that considers both Price and BBBEE rating.

User Access

All users of the eAuction system must have their own login username and password. Users may not share this information as a shared username is more difficult to verify who made the bids.

Unique Company Code

Before a user can register they must be in possession of an email indicating their unique company code, the email will look as follows.

Hi Rudolf

Your company has been registered on the Eskom eAuction Site. Please register on the site and use your custom Company security code when registering.

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

Please note that you are responsible for your company security code. Eskom cannot be held liable if an unauthorised person registers using your code.

The Eskom eAuction site is available at: <https://eauction.eskom.co.za>

Your Company Security Code is: **8d20a9c0-1340-4e71-9d00-efc895ed5e72**

Thanks

The Eskom eAuction Site

The highlighted company code is required as part of the registration process.

Note that the Company Code is only sent to the primary user as indicated in the RFP response. This user is responsible for the code and Eskom takes no accountability if this code is shared to users that may not bid on behalf of the company.

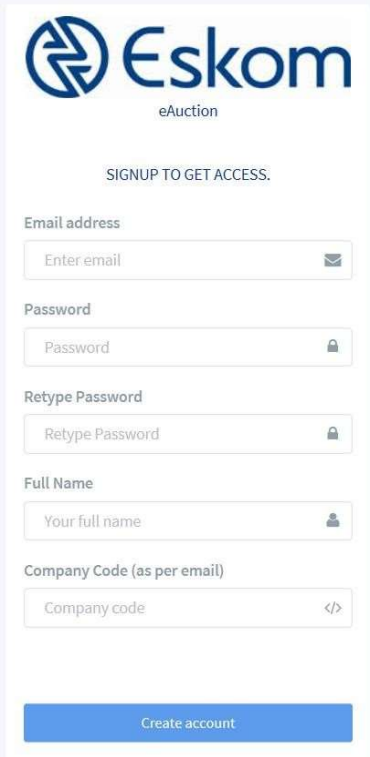
[Registration Form](#)

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



Eskom
eAuction

SIGNUP TO GET ACCESS.

Email address

Password

Retype Password

Full Name

Company Code (as per email)

[Create account](#)

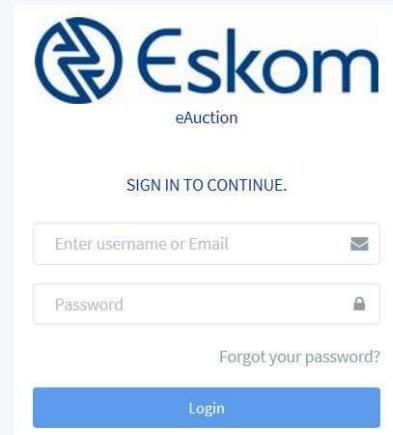
To register a user must enter their Email address and create a password of their choice.

Passwords must be longer than 8 characters, have a mix of letters numbers and special characters, and include at least 1 capital letter and one lower case letter.

The Company code field must be populated with the code as per the email to link the user to the company they may bid on behalf of. All users of the same company use the same company code to link their bids together.

All bids in the system are linked to the user that made them as well as to the company the user is bidding on behalf of. The audit trail allows the system administrator to identify the user and the date and time the bid was made.

User Login



Eskom
eAuction

SIGN IN TO CONTINUE.

[Forgot your password?](#)

[Login](#)

Once a user has registered they can login to the system. The user enters this username and password onto the form and clicks the login button.

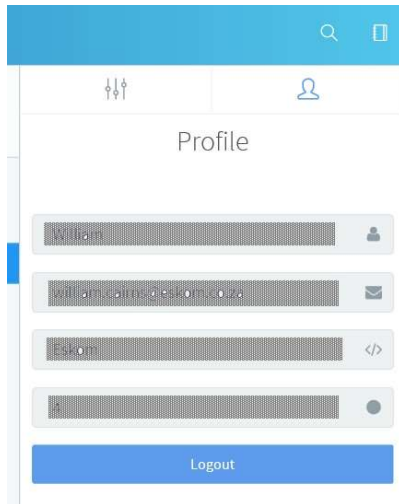
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|---|-----------------------------|----------------------------|---------------|------------|----|
|  | Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February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

User Logout



The screenshot shows a user profile interface. At the top, there's a blue header bar with a search icon and a user icon. Below this, the word 'Profile' is centered. The profile details include a name field with 'William', an email field with 'williams.b@eskom.co.za', a company field with 'Eskom', and a role field with 'a'. At the bottom of the profile section is a blue button labeled 'Logout'.

When a user is finished with their actions on the system they should logout. This is a security feature to ensure that no one else with access on the computer may make unauthorized bid on behalf of the user. The logout button is available on the User Profile screen.

Auctions

The main screen of the system gives users access to all auction they may bid on, as well as all auctions that the user had access to that have closed.

Auction Process

Standard and Reverse

Auctions The eAuction system supports:

- Open Auctions (Eskom is selling a product to the public);
- Standard Auctions (Eskom is selling a product) and
- Reverse Auctions (Eskom is Buying a product or service).

In the case of a standard auction Eskom is selling a product and therefore each bid is required to be higher than the last bid. In a reverse auction where Eskom is buying a service or product each bid is required to be lower than the previous bid.

On the bidding screen the current auction type is displayed

Eskom is trying to obtain the highest price for this sale.


Next Bid

The eAuction system indicates what the next bid is required to be. This value is based on the currently winning bid and a fixed bid increment that is applied. In a standard auction this is the lowest bid that can be made next, bids of a lower amount will be rejected, however bids of a higher amount can be made (The opposite applies in a Reverse Auction).

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

This has been implemented to prevent very small bid increments that have no material difference in the final price obtained.

End time of an Auction

The End Time of an auction is the earliest time the auction can close. However, bids made close to the end time will extend the end time of the auction to give other bidders an opportunity to react to any bids made.

This has been implemented to ensure that all bidders have a fair opportunity to make the winning bid.

An example:

eAuction for the sale of 10000 tons of Ash from Lethabo Power Station had an End Time of 10:00 in the morning. Bidder A makes a bid at 09:58, the Auction is therefore extended by 10 minutes to 10:08. At 10:04, Bidder B makes a new best bid and the auction gets extended to 10:14 to allow Bidder A an opportunity to react to Bidder B's bid. Bidder A makes a new bid at 10:05 and the auction gets extended to 10:15. Bidder B decides that the new bid by A cannot be beaten and does not make any further other bids. The auction then closes at 10:15 when no new bids have been received for the 10 minutes. (10 minutes is an example only and each auction can have their set to a different increment extension value).

Winning an Auction

Bids made on an Auction are a financial commitment to deliver the product/services as expected at the price offered. It is a financially binding commitment. Please read the End user Agreement for more details on the legal aspects of making a bid.

The final bids are still subject to Eskom review as the final awarding of a contract is also influenced by other requirements such as BBBEE rating etc. To find out more about the impact of these ratings on the final awarding of the contract please speak to the procurement officer to get the details.

When an Auction closes all bidders will receive an email from the Eskom eAuction site indicating that the Auction has closed. Once the auction is closed no more bids can be entered and no opportunity is available to change your final bid.

The procurement officer will contact the winning bidder directly and finalise the contract.

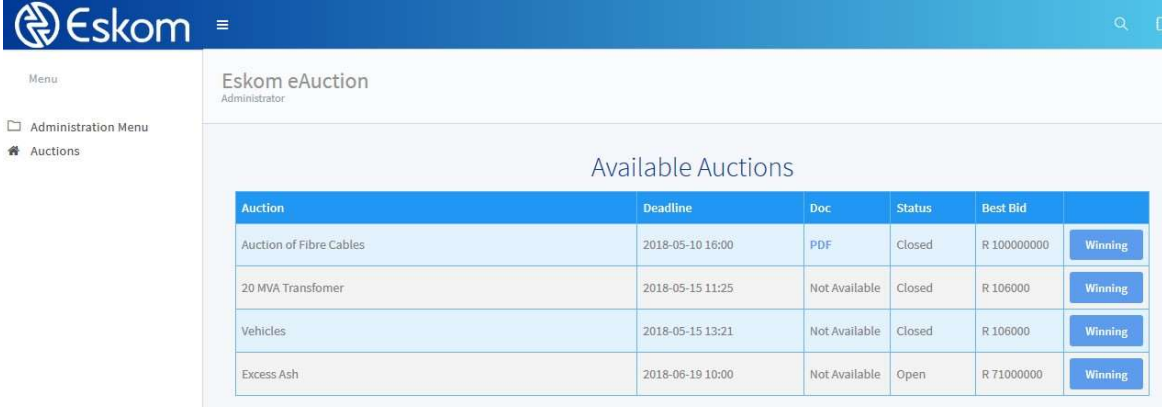
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|---|-----------------------------|----------------------------|---------------|------------|----|
|  | Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February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

Screen Layout



| Auction | Deadline | Doc | Status | Best Bid | |
|-------------------------|------------------|---------------|--------|-------------|---------|
| Auction of Fibre Cables | 2018-05-10 16:00 | PDF | Closed | R 100000000 | Winning |
| 20 MVA Transformer | 2018-05-15 11:25 | Not Available | Closed | R 106000 | Winning |
| Vehicles | 2018-05-15 13:21 | Not Available | Closed | R 106000 | Winning |
| Excess Ash | 2018-06-19 10:00 | Not Available | Open | R 71000000 | Winning |

The screen is divided into three parts, the top is the header section containing the Eskom Logo and the

user profile button . The left section has the menu area allowing quick access to the main auction screen from any other screen. The central portion of the screen contains the information about available auctions.

Auction Details



| Auction | Deadline | Doc | Status | Best Bid | |
|-------------------------|------------------|---------------|--------|-------------|---------|
| Auction of Fibre Cables | 2018-05-10 16:00 | PDF | Closed | R 100000000 | Winning |
| 20 MVA Transformer | 2018-05-15 11:25 | Not Available | Closed | R 106000 | Winning |
| Vehicles | 2018-05-15 13:21 | Not Available | Closed | R 106000 | Winning |
| Excess Ash | 2018-06-19 10:00 | Not Available | Open | R 71000000 | Winning |

Information about auctions is displayed in a tabular format. Note that the button on the right hand side indicates if the currently logged on bidder is winning the auction or not. (If not currently the best bid the button will read "Bid").

Clicking on the button will take the user to the screen where bids can be made. (See the next section)

Only auctions open to the company of the logged in user will be displayed. Note that the screen also displays auctions that are closed.

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

Open auctions will always be displayed for all users.

Making a bid

Auction Bidding

Auction Details

Auction: Excess Ash
 End Date: 2018-06-19 10:00
 Specification:
 Eskom is trying to obtain the highest price for this sale.

New Bid

The minimum next bid is:

72000000

Bid

Current Bids

| Bid Date | Amount | Action |
|------------------|------------|----------|
| 2018-04-09 14:05 | R 71000000 | Your bid |
| 2018-04-06 13:39 | R 66000000 | |
| 2018-04-06 13:39 | R 64000000 | |

When the user enters an auction to view the bids the best unique bids from all bidders is displayed on the screen. The current company bid is marked as “Your Bid” to allow the logged in user to compare their current bid to the other bidders.

New Bid

The minimum next bid is:

72000000

Bid

The New Bid box shows the next possible bid that can be made. This bid, if made, will make the current user the holder of the best bid *(Note that other bidders see the same screen and it is possible that they make this bid before you, in this case the screen will update with the new best bid and an error will be returned).*

When a new bid is made the bid screen will update with the new information. It is suggested that if you are the winning bid that you refresh the screen on a regular basis to see if another bidder has made a bid.

If you are outbid on an auction your company will receive an email indicating that you have been outbid.


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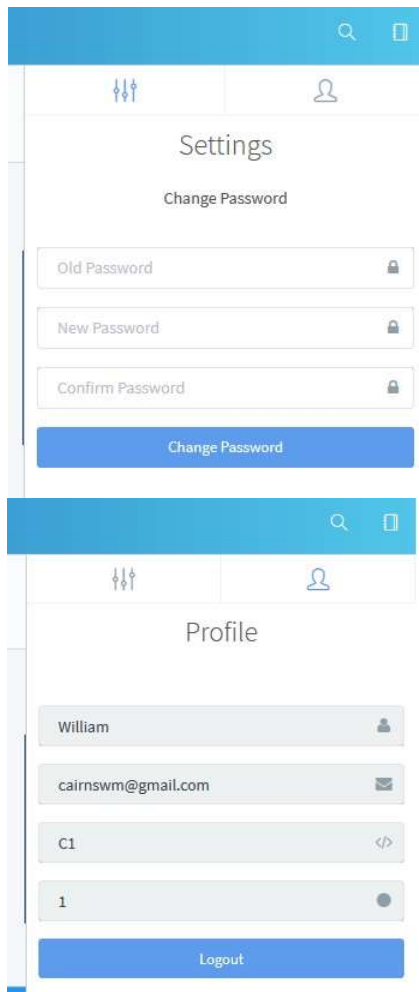
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|---|-----------------------------|----------------------------|---------------|------------|----|
|  | Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date | February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

User Profile

By clicking on the user profile button  the user profile screen will be displayed. The user profile screen has two sections, the Change password Screen and the user profile screen.



To change your password, enter your current password and the new password you require.

The user profile screen displays your current settings. This includes the company code that was entered when you first registered.

Users that are inactive get disabled and must re-enter their Company code to get access to their company bids again.

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

Annexure K

Eskom Standard Conditions of Tender

| | | | | | |
|---|-------------------------------------|---------------------|--------------|-----|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

| | | |
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| General | 1. | |
| Parties | 1.1 | The <i>Employer</i> , the <i>Eskom Representative</i> and each <i>eligible</i> tenderer submitting a tender shall act timeously, ethically and in a manner which is fair, equitable, transparent, competitive and cost-effective. |
| Interpretation | 1.2 | Terms shown in italics vary for each tender and the details of each term in italics are identified in the Tender Data. |
| | 1.3 | The Invitation to Tender documents issued by Eskom comprises of the <i>enquiry documents</i> (including any annexures thereto) and/or any <i>additional requirements</i> as stated in the Tender Data. Documents to be provided by the tenderer may form part of any contract arising from this Invitation to Tender, if so stated in the Tender Data, however, these Standard Conditions of Tender and the Tender Data shall not form part of any contract arising from this Invitation to Tender. |
| | 1.4 | An <i>open Invitation to Tender</i> will be advertised on <i>Eskom's Tender Bulletin</i> and National Treasury (NT) e-Tender Portal and/or any other media if so required. A <i>closed Invitation to Tender</i> will be sent directly to a limited number of known tenderers. A sole source is regarded as a tenderer who meets the requirements as stated in the Eskom Procurement and Supply Chain Management Procedure 32-1034. Any addenda to the Invitation to Tender, will be published or issued in the same way as the Invitation to Tender was, and will form part of the enquiry documents. |
| Communication | 1.5 | Each communication between Eskom and a tenderer shall be to or from the <i>Eskom Representative</i> only, in writing, and in a format that can be read, copied and recorded. For this purpose, 'in writing' means hand-written, type-written, printed or electronically made, and resulting in a permanent record. Communication shall be in the English language. Eskom takes no responsibility for non-receipt of communications from or by a tenderer |
| Eskom's rights to accept or reject any tender | 1.6 | Eskom may accept or reject any variation, deviation or <i>alternative tender</i> and reserves the right to accept the whole or any part of the tender. Eskom may cancel the tender process at any time prior to the formation of a contract and will give written reasons for the cancellation upon written request to do so. After the cancellation of the tender process or the rejection of all tenders due to non-compliance with the thresholds, Eskom may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time. Eskom, its subsidiaries, shareholders, advisors, directors, employees, representatives including the <i>Eskom Representative</i> shall not be liable for any losses, claims or damages of whatsoever nature or howsoever arising which may be sustained by a tenderer or any other person as a result of its participation or any amendment, termination or suspension of the process set out in this Invitation to Tender or its exclusion from participating in the tender process at any point. |
| Eskom's right to negotiate | 1.7 | 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. |
| Disclaimer regarding accuracy of tender | 1.8 | While Eskom takes all reasonable measures to ensure that all information contained in the tender documents is correct and complete, Eskom does not, however, make any representations or warranties, express or implied, as to the accuracy or completeness of such information and Eskom expressly disclaims any and all liability |

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Page 1 of 9

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

| | | | | | |
|---|--|----------------------------|--------------|------------|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

documents for such representations, warranties or statements.

Tenderer's Obligation 2. The tenderer shall comply with the following obligations when submitting a tender and shall:

Eligibility 2.1 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.

Tenderers are not permitted to sub-contract 100% of the SOW. Any tender that is based on 100% sub-contracting will be deemed ineligible and will be disqualified.

Tender closing time 2.2 Ensure that Eskom has received the complete original tender and one (1) complete hard copy of the original tender at the *address* and in the tender box or *facsimile number or e-mail address* specified in the Tender Data by no later than the *deadline for tender submission*. Proof of posting or of courier delivery will not be taken by Eskom as proof of delivery. Eskom will not accept a tender submitted telephonically or by e-mail, unless stated otherwise in the Tender Data.

2.3 Any reference to time will mean South African Standard Time (SAST), i.e. GMT+2 hours. The *closing time* will be determined by using the Telkom time signal as available over the telephone. This time will be strictly adhered to.

2.4 Accept that if Eskom extends the deadline for tender submission for any reason, the requirements of these Standard Conditions of Tender apply equally to the extended deadline. Tenderers are required to visit the *Eskom Tender Bulletin* and NT e-Tender Portal regularly in the case of an open tender to ensure they are informed of any changes in either the *deadline for submission* or any other amendments relating to the Invitation to tender,

2.5 Any tenders not in the tender box or received by Eskom as stipulated in the Tender Data at the *deadline for tender submission* will be considered late. No late tender will be accepted. Accept that Eskom will not assume any responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and the *address and references* are marked incorrectly. Without limitation, Eskom takes no responsibility for any delays in any courier or postal system or any delays in transit of tenders or for tenders delivered to a location other than the tender box at the tender office stated in the Tender Data.

Where it is permissible for tenders to be received by facsimile, Eskom takes no responsibility for difficulties in transmission caused by line or equipment faults. Completed tenders not received at the designated facsimile machine by the *deadline for tender submission* will be considered late. The time print on both the sending and receiving facsimile machines will be disregarded, as the Telkom time signal as available over the telephone determines the closing time, by which the completed tender must be received.

Eskom employees are not permitted to deposit a tender into the Eskom tender box on behalf of a tenderer.

Cost of tendering 2.6 Accept that Eskom will not compensate the tenderer for any costs incurred in the preparation and submission of a tender, or the negotiation of any contract, including

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Page 2 of 9


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| | | Effective Date | February 2023 | | |
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| | | | | | |
|---|-------------------------------------|---------------------|--------------|-----|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

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| | | the costs of any testing necessary to demonstrate that aspects of the tender satisfy the evaluation criteria. |
| Submitting a tender | 2.7 | Check the <i>enquiry documents</i> on receipt and notify the Eskom <i>representative</i> of any discrepancy or omissions of documents. The Acknowledgement Form must be completed as required and submitted with the tender and must clearly state if the tender is for the whole or part of the works, services or supply identified in the specification and/or works information by Eskom |
| | 2.8 | Return the <i>mandatory tender returnables</i> to Eskom for evaluation purposes by tender submission deadline, and <i>other tender returnables</i> that are required for contract award, before contract award, completing without exception; all the forms, data and schedules included therein. Where any certificate, document, proof of registration or the like is required to be submitted as a <i>mandatory or other tender returnable</i> , the tenderer must ensure that Eskom is in possession of a valid, current and where stipulated, an original certificate/document for the duration of the <i>tender validity period</i> and, if the tender is successful, up to contract award. |
| | 2.9 | Submit the tender as a complete original tender, plus one (1) complete hard copy of the original tender. These tenders must be submitted in English. If one (1) complete hard copy of the original tender is not submitted, the tender will be disqualified. Eskom may also require that one (1) additional complete soft copy of the original tender is required in an electronic format. Tenders may not be written in pencil and must be completed in ink. |
| | 2.10 | Sign the original tender. Eskom will hold the signatory named as the person duly authorised to sign the tender on behalf of the tenderer, liable for the tender. |
| | 2.11 | Seal the original tender and the copy (ies) of the tender as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state the Eskom address on the outside, the <i>Invitation to Tender number</i> stated in the Tender Data, as well as the tenderer's name and contact address. |
| | 2.12 | Seal the original tender and required complete copies together in an outer package that states on the outside, only the Eskom address and <i>Invitation to Tender number</i> as stated in the Tender Data. The outer package must be marked "CONFIDENTIAL". |
| Tender validity | 2.13 | Hold the tender(s) valid for acceptance by Eskom at any time within the <i>validity period</i> after the <i>deadline for tender submission</i> . Extend the <i>validity period</i> for a specified additional period if Eskom requests the tenderer to do so. A tenderer agreeing to the request will not be required or permitted to modify a tender. If contracts have not been concluded and the tender validity has not been extended (as prescribed in the Eskom PSCM 32-1034) and lapses; then the tenders are deemed to be invalid and the procurement process cannot continue. A new procurement process will have to be initiated. |
| Confidentiality and copyright of documents | 2.14 | Treat as confidential all matters arising in connection with the tender. Use and copy the documents provided by Eskom only for the purpose of preparing and submitting a tender in response to this Invitation to Tender. |
| Standardised specifications | 2.15 | Obtain, if required, for the purposes of submitting a tender, copies of the latest revision of standardised specifications and/or other documents, which are not |

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Page 3 of 9

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

| | | | | | |
|--|--|----------------------------|--------------|------------|----|
| | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

and other publications attached to the Invitation to Tender, but which may be incorporated in the contents of the *enquiry documents* by reference.

Site visit and / or clarification meeting 2.16 Tenderers must attend a *site visit and/or clarification meeting* that is cited as being compulsory in order to familiarise themselves with the proposed work, services or supply, location, etc. and raise questions. Details of the meeting(s) are stated in the Tender Data. Failure to attend such compulsory meeting/site visit will result in the tender being disqualified.

Seek clarification 2.17 Request clarification of the *enquiry documents*, if necessary, by notifying the Eskom Representative earlier than the *closing time for clarification of queries*.

Insurance 2.18 Be informed that the extent (if any) of insurance provided by Eskom may not be for the full cover required in terms of the relevant category listed in the *conditions of contract*. The tenderer is advised to seek qualified advice regarding insurance.

Pricing the tender 2.19 Include in the rates, prices, and the tendered total of the Prices (if any) all duties, taxes (including VAT), and other levies payable by the successful tenderer. Such duties, taxes and levies are those applicable 14 (fourteen) days prior to the *deadline for tender submission*.

2.20 Provide rates and Prices that are fixed for the duration of the contract and not subject to contract price adjustment except as provided for in the *Enquiry*.

2.21 State the rates and Prices in South African Rand unless instructed otherwise in the Invitation to Tender. The selected *conditions of contract* may provide for part payment in other currencies. Submit prices in accordance with the exchange rate and base date as stipulated in the Invitation to tender.

Alterations to documents 2.22 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 initiated by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.

Alternative tenders 2.23 Submit alternative tenders only if a main tender is also submitted, and only if this is permitted in the Invitation to Tender. Accept that an alternative tender may be based only on the *criteria* stated in the Tender Data and as acceptable to Eskom

Clarification and correction of Prices after tender submission 2.24 Provide clarification and documents as required by the Eskom Representative during the evaluation of tenders, if not submitted. However, mandatory tender returnables (that were required at tender submission deadline) will not be requested and may not be submitted after tender submission deadline. Clarifications may include providing a breakdown of rates or Prices, and may not result in changes to prices or substance of the tender submitted, except as required by the Eskom Representative to confirm the *correction of arithmetical errors* discovered in the evaluation of tenders. The total of the Prices as corrected by Eskom with the concurrence of the tenderer, shall be binding upon the tenderer.

Sign Form of Agreement 2.25 Undertake to check the final draft of the contract provided by the Eskom Representative, and sign the contract documents.

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Page 4 of 9

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

| | | | | | |
|---|--|----------------------------|--------------|------------|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

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| Proof of authority to act as agent | 2.26 | Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent of the tenderer must be submitted as a <i>tender returnable</i> . |
| Compliance with relevant legislation (NT instructions, CIDB, PPPFA etc) | 2.27 | Comply with relevant legislation such as NT instructions (CSD, etc.), CIDB regulations for construction works; designated materials according to dti, PPPFA regulations; Amended B-BBEE Codes, COIDA; OHS Act; Eskom's requirements for Safety, Health, Environment and Quality (SHEQ) etc. and any other applicable legislation/regulations as may be set out in Invitation to Tender. |
| | 2.28 | Tenderers are required to provide reasonable proof to the satisfaction of Eskom, that safety, health, environmental and quality (SHEQ) systems, policies and capabilities are in place at the time of contract award. All costs and personnel associated with SHEQ should be reflected in the tender for Eskom's assessment thereof. |
| | 2.29 | Where CIDB is applicable; proof of registration on CIDB is mandatory at tender closing deadline. Should this not be received as stipulated in the enquiry; the tender will be disqualified. However, in the event that, at tender deadline submission, only proof of application for registration on CIDB is available, then this must be submitted by tender closing deadline, while the actual proof of CIDB registration (printout from CIDB database) must be submitted by contract award. |
| Contract Skills Development Goal (CSDG) | 2.30 | The Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure Contract (Published in GGN36760 of March 2020). CSDG is applicable to all classes of works exceeding R60 million and where the contract duration is 12 months or more or to Professional services/service contract/order where the estimated contract exceed R5 million and where the contract duration is 12 months or more. |
| Contract Participation Goals (CPG) | 2.31 | <p>Contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprise as established in the CIDB standard for Indirect targeting for enterprise development through Construction works contracts (Published in GN No:36190 of the 25 February 2013)</p> <p>Contract participation goals is only applicable in Grade 7-9 General Building (GB) and Civil Engineering (CE) contract where the contract duration is 6 months or more.</p> <p>Construction Works contracts in which at least 25% of the main contract could reasonably be expected to be sub-contracted out in one or more of the following classes: -</p> <ul style="list-style-type: none"> • Civil Engineering (CE) • Electrical Engineering Work (EB) • General Building Works (GB) • Mechanical Engineering (ME) <p>The contractor shall engage targeted enterprise/s in the performance of the contract to the extent that at least 5 % contract participation goal is achieved</p> <p>The contractor shall determine the contract skills participation goals expressed in</p> |

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Page 5 of 9

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| | | | | | |
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| | | Effective Date | May 2022 | | |
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Rands which shall not be less than the contract amount multiplied by a percentage factor.

- | | |
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| Provision of Security for Performance | 2.32 Eskom may disqualify a tender if it is found that the tenderer has misrepresented or falsified any information, certificate, affidavit or document. A fraudulent B-BBEE certificate/affidavit or 'fronting' will be reported to the B-BBEE Commissioner and Eskom may seek any remedies as guided by the relevant legislation. |
| Respond to clarification | 3.1 Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . 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 by the Eskom <i>Representative</i> . |
| Issue Addenda | 3.2 If necessary, issue Addenda that may amend, amplify, or add to the <i>Enquiry documents</i> . If a tenderer applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, Eskom may grant such an extension and the Eskom <i>Representative</i> shall notify all tenderers of the extension. |
| Return late tenders | 3.3 Return tenders received after the <i>deadline for tender submission</i> unopened to the tenderer submitting a late tender. Tenders will be deemed late if they are not received at the designated facsimile machine or in the designated tender box at the date and time stipulated as the <i>deadline for tender submission</i> . |
| Tender opening | 3.4 Open the tenders in the presence of the tenderers' representatives who choose to attend at the time and place stated in the Tender Data. Tenders for which an acceptable notice of withdrawal has been submitted will not be opened. 3.5 At tender opening, Eskom will announce the names of the tenderers. Prices may be announced if so stated in the Tender Data. |
| Non-disclosure | 3.6 Unless required to do so by law, not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract, until after the award of the contract to the successful tenderer. |
| Grounds for rejection | 3.7 Reject a tender after the Eskom Supplier Reconsideration Committee has established through the Eskom prescribed processes, that there is proof that the tenderer influenced the processing of tenders or awarding of the contract; that colluding/ bid rigging or any fraudulent activity has taken place in connection with the Invitation to Tender. |

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Page 6 of 9


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

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|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

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| Clarification of a tender | 3.8 | Obtain from a tenderer clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified. Mandatory documents will not be requested but clarity on it may be required. |
| Basic Compliance | 3.9 | Determine before detailed evaluation, whether each tender received meets the <i>basic compliance</i> as stated in the enquiry. A tenderer's failure to comply with the stated <i>basic compliance</i> of tender will render a tender non-responsive. It must further be noted that a tenderer's failure to provide one (1) complete hard copy of the original tender, will result in the disqualification of the tender from further evaluation. Tenderers will not be permitted to provide one (1) complete hard copy after the <i>tender submission deadline date</i> , and Eskom is not responsible for making copies of original tenders. |
| Mandatory tender returnables | 3.10 | A tender that does not include mandatory documents or information as stipulated in the Invitation to Tender and by the required deadlines; will be deemed non-responsive. |
| Functionality requirements | 3.13 | If functionality is a criterion; tenderers are scored against the technical functionality criteria and have to meet the minimum threshold as stated in the Tender Data. Only if this minimum threshold is met/exceeded will the tender be evaluated further. |
| Financial analysis | 3.14 | Eskom has to determine the risk of doing business with a supplier who may pose financial risks to Eskom in the execution of the contract. During evaluation of the financial statements, Eskom will try to identify mitigating factors/ requirements for the tenderer to meet, if applicable. However, should there be insufficient suitable mitigating factors or the risk is deemed too high; Eskom may disqualify the tender. |
| Evaluation of Price | 3.15 | Evaluate the price according to the criteria/requirements set in the Tender Data. Factors such as CPA, FOREX, commodity increases, discounts, NPV, forecasted rates of invoicing are taken into account when determining the Price. |
| Arithmetical errors | 3.16 | <p>Check responsive tenders for arithmetical errors/ discrepancies between amounts in figures and in words, the amount in words shall govern.</p> <p>Check the highest ranked tender/tenderer with the highest number of evaluation points after the evaluation of tender offers with respect to the following errors/omissions:-</p> <ul style="list-style-type: none"> a) the gross misplacement of the decimal point in any unit rate; or b) omissions made in completing the pricing schedule or bill of quantities, or c) arithmetical errors due to :-line item totals resulting from the product of a unit rate and a quantity in a bill of quantities or schedule of prices; or d) the summation of the prices <p>Eskom will notify the tenderer of all errors/omissions that are identified in the tender offer to either confirm the tender offer as tendered or to accept the</p> |

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Template ID: 240-43921804 (Rev 7) Header and Footer portrait template

Page 7 of 9

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

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|---|--|----------------------------|--------------|------------|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

corrected total of prices

Where the tenderer elects to confirm the tender offer as tendered; Eskom will correct the error as follows:-

d) If a bill of quantities/pricing schedule applies and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern, and the rate shall be corrected.

Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

e) Where there is an error in total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer shall be asked to revise the selected item prices (and their rates if bill of quantities apply) to achieve the tendered total of the prices.

Eskom will consider the rejection of a tender offer if the tenderer does not correct or does not accept the correction of errors in the required manner.

| | | |
|---|------|--|
| Evaluation of Specific Goals | 3.17 | Score the Specific Goals as evidenced by the required supporting documentation. If a tenderer fails to meet Specific Goals and/or submit the required proof/supporting documentation by Tender Closing Deadline; the tenderer will not be disqualified (if otherwise deemed to be responsive and acceptable in all other aspects), however, the tenderer will be awarded 80/90 points for Price and will score zero points for Specific Goals under PPPFA Point allocation. |
| Ranking of tenders | 3.18 | According to the PPPFA, Eskom will add the score for Pricing and for Specific Goals together and rank the suppliers from the highest to the lowest. |
| Objective criteria | 3.19 | A contract may be awarded to a tenderer that did not score the highest points only in accordance with Section 2(1) (f) of the PPPFA Act 5 of 2000. If Eskom intends to apply objective criteria in terms of Section 2 (1) (f), Eskom must stipulate the applicable objective criteria in the tender documents. Functionality and elements of Contractual Requirements must not be used as objective criteria. |
| Designated materials and thresholds Certain materials are identified by dtic as designated materials and a specified percentage must be bought from local companies. A tenderer's failure to meet stipulated dtic's requirement for local support of designated materials will also render the tender non-responsive. | | |
| Reverse e-Auction | 3.20 | Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and be disregarded. |

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Page 8 of 9


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

| | | | | | |
|---|--|----------------------------|--------------|------------|----|
|  | Eskom Standard Conditions of Tender | Document Identifier | 240-62044728 | Rev | 10 |
| | | Effective Date | May 2022 | | |
| | | Review Date | May 2027 | | |

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| Acceptance of tender | 3.21 | Notify Eskom's acceptance to the successful tender before the expiry of the validity period, or agreed additional validity period. Inform the successful and unsuccessful tenderers only once approval has been granted by the Eskom Adjudication Authority. For open tenders, this notification must be published on the Eskom Tender Bulletin and NT e-Tender Portal. |
| Prepare contract documents | 3.22 | Revise the contract documents issued by Eskom as part of the Enquiry documents to take account of: <ul style="list-style-type: none"> • Addenda issued during the tender period, • Inclusion of some of the tender returnables as stated, • Inclusion of changes as agreed during negotiations, • Other revisions or documents agreed to between Eskom and the successful tenderer during negotiations, |
| Sign Form of Agreement | 3.23 | Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of Agreement. |

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Page 9 of 9

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Page 65 of 89

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

Annexure L

Eskom General Conditions of Purchase

| | | | | | |
|---|---|----------------------------|--------------|------------|---|
|  | Eskom General Conditions of Purchase | Document Identifier | 240-59385009 | Rev | 1 |
| | | Effective Date | July 2022 | | |
| | | Review Date | July 2027 | | |

- GENERAL:** Eskom Holdings SOC Ltd (hereinafter referred to as 'Eskom') and the Supplier enter into an order/contract (hereinafter referred to as the 'agreement') on these conditions to supply the goods or execute the works/services as described in the agreement. The agreement means the order documents, the General Conditions of Purchase, any specifications, schedules or drawings approved by Eskom relative to the order.
- CONDITIONS:** These conditions form the basis of the contract between Eskom and the Supplier. Where the Supplier/Tenderer does not indicate the non-acceptance of these conditions of contract it will be deemed to be accepted by the supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by Eskom. No servant or agent of Eskom has authority to vary these conditions orally.
- PRICE AND PAYMENT:** The prices or rates for the items stated in the agreement may include an amount for price adjustment, which is calculated in accordance with the formula stated in the agreement. The Supplier may be paid in a currency other than South African Rand. One exchange rate shall be used to convert from this currency to South African Rand (ZAR). Payment to the Supplier in this currency other than ZAR shall not exceed the amounts stated in the agreement. Eskom's CPA (IG) form must be duly completed by the Supplier. Eskom will pay for the item within 30 days after receipt of a correct Tax invoice. Eskom's VAT registration number (4740101508) has to appear on the tax invoice, before any payment will be made, as from 1 June 2004.
- DELIVERY AND DOCUMENTS:** 'Delivery' means delivery of goods or completion of work (if any) in compliance with the terms and conditions of the agreement at the point of delivery/site specified in the agreement on or before the date stated in the agreement. Late deliveries of the goods or late completion of the works/services may be subject to a penalty as stated in the agreement. No payment shall be made if the Supplier does not provide the goods/services/works as stated in agreement. Where goods are to be delivered:
 - the Supplier shall clearly mark the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and include a packing note stating the contents thereof;
 - Send to Eskom at the address for delivery of the items, an advice note specifying the means of transport, weight, number or volume as appropriate and the point and date of dispatch;
 - Send to Eskom a detailed Tax invoice after delivery of the goods or after completion of the works/services, and
 - State on all communications in respect of the agreement the agreement number.
 - State in his tender whether delivery cost is included in the price, if not, it will be deemed to be included.
- CONTAINERS / PACKING MATERIAL:** Unless otherwise stated in the agreement, no payment shall be made for containers or packing materials or their return to the Supplier.
- ACCEPTANCE:** The goods/works/services shall at all times be subject to the approval of Eskom, who may inspect and/or test the materials as well as the workmanship at any stage of the work. Should Eskom fail to notify the Supplier of its acceptance, it shall be deemed Eskom accepted the goods/works/services.
- RISK:** Risk shall pass to Eskom upon proof of delivery and acceptance of the goods/works/services, to the correct destination in accordance with the agreement.
- OWNERSHIP:** Ownership in the goods/works/services shall pass to Eskom upon payment thereof or as otherwise stated in agreement.

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Page 1 of 2

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Invitation to Tender

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

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| | Eskom General Conditions of Purchase | Document Identifier | 240-59385009 | Rev | 1 |
| | | Effective Date | July 2022 | | |
| | | Review Date | July 2027 | | |

9. REJECTION: If the Supplier fails to comply with his obligations under the agreement, Eskom may reject any part of the goods by giving written notice to the Supplier specifying the reason for rejection and whether replacement of goods or re-work is required.

- In the case of goods delivered, Eskom may return the rejected goods to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the goods not replaced within the time required, together with the costs of returning rejected goods to the Supplier and obtaining replacement goods from a third party, shall be paid by the Supplier to Eskom.
- In the case of works/services, the Supplier shall correct non-conformances/defects as indicated by Eskom. If the supplier delays to correct the non-conformance/defect, Eskom may have the non-conformance/defect corrected by a third party at the Supplier's costs.

10. INDEMNITY: The Supplier indemnifies Eskom against all actions, suits, claims, demands, costs, charges and expenses arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants or the rights of others, or from the Supplier's defective design, materials or workmanship.

11. WARRANTY: Without prejudice to any other rights of Eskom under these conditions, the Supplier warrants that the goods/works/services are fit for the purpose for which they are intended and that they will remain free from defects for a period of one year (unless otherwise stated in the agreement) from acceptance. If a defect/non-conformance is found with the goods/works/services within this period, the Supplier shall rectify the defect/non-conformance within an agreed time period, free of cost to Eskom. The Supplier shall use reasonable skill and care to provide the goods/ works/services as described in the contract.

12. ASSIGNMENT AND SUBCONTRACTING: Neither party hereto may cede or delegate any of its rights and obligations to any person without the written consent of the other or sub-contracting by the Supplier. Notwithstanding this, Eskom may on written notice to the other party cede and delegate its rights and obligations under this agreement to any of its subsidiaries or any of its present divisions or operations which may be converted into separate legal entities as a result of restructuring.

13. STATUTORY REQUIREMENTS: The Supplier shall adhere to all statutory requirements relevant to the agreement which is governed by

The law of the RSA and the parties hereby submit to the jurisdiction of the SA courts.

14. BREACH: Subject to clause 15 (fifteen) hereof, should either party breach any condition of the agreement and fail to rectify or remedy the default, and after written notice given by the non-defaulting party, the latter shall be entitled to terminate the agreement.

15. TERMINATION: Eskom may terminate at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to Eskom) if the Supplier defaults in due performance of the agreement, or becomes bankrupt or otherwise is, in the opinion of Eskom, in such financial circumstances as to prejudice the proper performance of the agreement.

16. ETHICS: Eskom is committed to the highest standard of ethical behavior and expects the same from all our suppliers.

This constitutes the entire agreement between Eskom and the Supplier and no addition to or variation of the agreement shall be of any force and effect unless done in writing and signed by both parties.

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Page 2 of 2

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| | | Effective Date | February 2023 | | |
| | | Review Date | February 2028 | | |

Annexure M

Completed pricing schedule

| Item | Description | Required Quantity | Unit Price |
|------|---|-------------------|---|
| 10 | <p>INTERFACE: TYPE: DIGITAL I/P MODULE; MANUF P/N: C1003220; SUPPL P/N: TMR 40; MODEL NO: T8403;</p> <p>MOD NO:00042A; T8403 TRUSTED TMR 40 DIGITAL INPUT INTERFACE MODULE; P/NO:C1003220; FUNCTLOC: 38-GSE004AR</p> | 9 | <p>Not applicable:</p> <p>Reverse E-Auction to be used.</p> |
| 20 | <p>INTERFACE: TYPE: TMR DIGITAL OUTPUT CARD; POWER SOURCE: 24 VDC 2 A 24 W; MANUF P/N: C1003250; MODEL NO: T8451; TRUSTED, 0-36VDC, RESISTANCE 33KN, DIMEN:241 X 30 X 300MM(HXWDXD) OPERATING TEMP:-5 DEG C TO 60 DEG C</p> <p>TMR 24V DC DIGITAL OUTPUT MODULE-T8451 (INTERFACE CARD T8451 TRUSTED TMR DIGITAL OUTPUT) P/NO:C1003250 AMPS:2A VOLTS:0-36VDC RESISTANCE:33KN POWER RATING:24WATTS DIMEN:241 X 30 X 300MM (HXWDXD) OPERATING TEMP:-5°C TO 60°C FUNCT.LOC:1/2GSE 004AR</p> | 7 | <p>Not applicable:</p> <p>Reverse E-Auction to be used.</p> |
| 30 | <p>MODULE, POWER SUPPLY: MANUF P/N: L54E80801853; REFERENCE NO: PWS122</p> <p>MOD NO:00042A CENTRAL UNIT PROCESSOR</p> <p>T8110B TMR MODULE P/NO:C1003010</p> <p>FUNCT LOC:38-GSE004AR</p> | 4 | <p>Not applicable:</p> <p>Reverse E-Auction to be used.</p> |
| 40 | <p>CARD: TYPE: TRUSTED INTERFACE; SUPPL P/N: T8151; CODE:C1003020;</p> <p>MOD.NO:00042; TRUSTED INTERFACE CARD;</p> <p>P/NO:T8151; CODE:C1003020;</p> <p>FUNCT.LOC:1/2GSE 004AR;</p> | 5 | <p>Not applicable:</p> <p>Reverse E-Auction to be used.</p> |

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

Annexure N

Technical Evaluation Criteria

| ANNEXURE N - Technical Evaluation Criteria for Enquiry: WCKBG1139PM: The Supply and delivery of Interface: digital IP module Interface: digital output card / Module power supply and Card: trusted interface | | | | | | |
|--|---|---|--|-------------|--------------|-----------|
| | Requirements | Criteria | Deliverables | Weighting | Rating | % Rating |
| 1. COMPANY PROFILE | Company must be able to demonstrate its association with the OEM of the component being quoted on. | Company to provide evidence that it is an authorised distributor for components it supplies. | Letter from OEM to this effect | 20% | | 0% |
| | Quantitative & practical experience of Company. | The supplier needs to have more than 5 years experience in supplying the required components to industrial users. | Submit a portfolio of previous similar item supplied that demonstrates that the tenderer has the appropriate abilities. Submit a list of contactable references that the Employer can contact during tender evaluations or any previous PO's indicating similar products supplied to Eskom | 40% | | 0% |
| | Company must be able to supply the component as per the Eskom end-user requirements | Company to provide detailed Quote referencing the correct components and all other documents required by Eskom. | Detailed quote | 40% | | 0% |
| | TOTAL WEIGHTING | | | 100% | FALSE | 0% |
| 2. TECHNICAL REQUIREMENTS | Company to have the capacity to supply the correct spares. The Supplier shall demonstrate the ability to supply and deliver the equipment to the requirements and specifications of KNP's and provide all the relevant documentation. | Compliance to KNP's Technical Specification as outlined in invitation. | Submit technical datasheet and delivery schedule | 100% | | 0% |
| | TOTAL WEIGHTING | | | 100% | FALSE | 0% |
| | TOTAL | | | 100% | FALSE | 0% |
| NOT MEET CONCLUSION | | | | | | |
| <p>The scoring of the Functional Evaluation is conducted as follows:</p> <p>A supplier is given a score in each of the sub-categories. These sub-categories are requirements detailed in the specification or contract. Scores are allocated as follows:</p> <p>0 - 0% - Does not meet 1 - 75% - Partial meet 2 - 100% - Meet</p> <p>The overall score for functionality criteria is analysed as follows:</p> <p>0% - 75% - Does not meet 80% - 100% - Meet</p> | | | | | | |
| Final Analysis | | | | | | |
| 1. COMPANY PROFILE | | | | 5% | | 0% |
| 2. TECHNICAL REQUIREMENTS | | | | 5% | | 0% |
| TOTAL | | | | 100% | | 0% |

COMPILED BY: M VAN DER MERWE

REVIEWED BY: D JURGENSEN


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Annexure O

Quality Evaluation Criteria

| ANNEXURE O - Quality Evaluation Criteria for Plant Enquiry No: WCKBG1139PM- The Supply and delivery of Interface: digital IP module/Interface: digital output card /Module power supply and Card: trusted Interface | | | | | | | | | |
|---|--|---|-----------|----------|---------|----------------------------|----------------|--|--|
| Requirement | Criteria | Deliverable | Weighting | Rating | % Score | [Supplier Name] Response | Eskom Comments | | |
| 1. QUALITY ASSURANCE PROGRAM | Quality Assurance Programme that meets the intent of a typical Quality management system (QMS) or as indicated on page 16 of 238-103. | Returnable is a document, SOP, flowchart or method statement describing the supplier Quality Programme that provide a description of the processes and supporting information that reflects how processes are managed and work / operation is prepared, reviewed, carried out, recorded, assessed and improved. Examples of processes to be described can include Purchasing, Quality Control, Receipt Inspection, processes etc. | 40% | 0% | 0.0% | | | | |
| 2. QUALITY CONTROL PROGRAM | Demonstrate implementation of the methods used to inspect or monitor and evaluate the results to ensure conformity of products and services. | The returnable is the applicable process documents or method statement and records demonstrating implementation. Example of records to be submitted can include receipt inspection checklist, etc | 30% | 0% | 0.0% | | | | |
| 3. NONCONFORMING PRODUCT/SERVICE | Demonstrate implementation of a Non-conformance process or procedure to meet the requirements of 238-103 Rev 2 section 3.4 and 3.5 | The returnable is the applicable process documents or method statement to demonstrate implementation of non-conformance, deviation and concession process, including disposition with provisions for customer notification and acceptance. Example of records to be submitted can include non-conformance report (NCR), deviation permits, concession application, etc | 30% | 0% | 0.0% | | | | |
| TOTAL WEIGHTING | | | 100% | NOT MEET | 0% | | | | |
| Final Analysis | | | | | | | | | |
| 1. QUALITY ASSURANCE PROGRAM | | | 40% | 0.0% | | | | | |
| 2. QUALITY CONTROL PROGRAM | | | 30% | 0.0% | | | | | |
| 3. NONCONFORMING PRODUCT/SERVICE | | | 30% | 0.0% | | | | | |
| TOTAL | | | 100% | 0.0% | | | | | |
| <p>The scoring of the Functional Evaluation is conducted as follows:</p> <p>A supplier is given a score in each of the sub-categories. These sub-categories are requirements detailed in the specification or contract. Scores are allocated as follows:</p> <p>0 - 0% - Does not meet 1 - 50% - Large gap 2 - 75% - Small gap 3 - 100% - Meet</p> <p>The overall score for functionality criteria is analysed as follows:</p> <p>0% - -75% - Does not meet 80% - 100% - Meet</p> | | | | | | | | | |
| <p>Compiled by: Nobulali Mpengesi</p> <p>Signature: </p> <p>Date: 2023-06-20</p> | | | | | | | | | |

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Annexure P

DSG-312-085

| Reference | Rev | Page |
|-------------|-----|--------|
| DSG-312-085 | 6 | 1 of 3 |

ESKOM



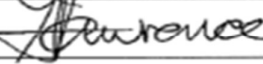

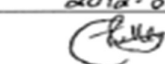
KOEBERG NUCLEAR POWER STATION

DESIGN ENGINEERING

Specification Title

**GENERIC Q3 PROCUREMENT SPECIFICATION FOR COMPONENTS
AND PARTS CLASSIFIED AS NSF (NO SAFETY FUNCTION) ONLY**

(NOT TO BE USED FOR THE PROCUREMENT OF O-RINGS)

| | | |
|-----------------|---|---------------|
| CO-PREPARED BY: |  | G P SHALE |
| PREPARED BY: |  | C P MATHEBULA |
| REVIEWED BY: |  | A R LAWRENCE |
| APPROVED BY: |  | R GOLDSTEIN |
| DATE: | <u>2012-05-29</u> | |
| DATA CAPTURED: |  | C TULLEY |

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**KOEBERG NUCLEAR POWER STATION
NUCLEAR ENGINEERING**

| APPROVED: BF Trautmann | | DATE: 1997-09-11 |
|-------------------------------|-------------------------|---|
| REVISION | PREPARED BY | REVIEWED BY |
| 0 | TW Abels | MB Fahrenfort |
| 1 | TW Abels | DC Evans |
| 2 | TW Abels | MB Fahrenfort |
| 3 | MB Fahrenfort | TW Abels |
| 4 | PN Clark | NW Boonzaier / LK Ndube |
| 5 | PN Clark | NW Boonzaier / MB Fahrenfort / AR Lawrence |
| 6 | GP Shale / CP Mathebula | AR Lawrence |

RECORD OF REVISIONS

| Rev | Date | Description of Revision | Prepared | Reviewed | Approved |
|-----|------------|--|--------------|--------------------|----------|
| 0 | 1997-09-11 | Original | TWA | MBF | BFT |
| 1 | 1997-09-15 | Remove The Manufacturer/Supplier is to conform to EVS 027 | TWA | DCE | BFT |
| 2 | 1997-12-22 | Full revision | TWA | MBF | BFT |
| 3 | 2000-04-28 | Full Revision | MBF | TWA | NGR |
| 4 | 2008-01-17 | Full Revision | PN | NWB / LKN | AMK |
| 5 | 2010-08-30 | Full Revision | PN | NWB / MBF / ARL | PM |
| 6 | 2012-05-30 | Re-written in the new format. A note included to prohibit the use of this specification for the procurement of O-rings. | GPS / CPM | ARL | RG |

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| Reference | Rev | Page |
|-------------|-----|--------|
| DSG-312-085 | 6 | 3 of 3 |

ESKOM

KOEBERG NUCLEAR POWER STATION

PROCUREMENT SPECIFICATION

TECHNICAL DESCRIPTION: COMPONENT/S AND OR PARTS AS SPECIFIED ON THE ESKOM ORDER.

Note: This specification should never be used for the procurement of O-rings

IDENTIFICATION OF PRODUCT:

Each package is to be marked with:

1. General description of package content.
2. Manufacturer's name and product part/model numbers.
3. ESKOM's material number (if applicable).
4. ESKOM's order number.

CERTIFICATION:

- The Manufacturer/Supplier is to complete an Eskom (Koeberg) CERTIFICATE OF CONFORMANCE (C.O.C) certifying that the product supplied meets the requirements of this specification.
- The manufacturer shall indicate shelf life and cure date for all elastomeric items included in the purchase order.
- The manufacturer shall supply a Final Inspection and Test Certificate

In addition, as required for Mechanical Components and Parts;

- The manufacturer shall supply a Material Certificate for each heat/lot number detailing Mechanical and Chemical Analysis and Specification to which the steel was produced.

In addition, as required for C&I Components and Parts;

- The manufacturer shall supply a Calibration Test Certificate

Full details of all deviations from this Specification must be submitted to ESKOM (KOEBERG) in writing for clearance prior to manufacture/despatch of the product.


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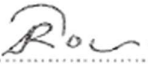


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| | | | | | |
|---|-----------------------------|----------------------------|---------------|------------|----|
|  | Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | | Effective Date | February 2023 | | |
| | | Review Date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

ANNEXURE Q: 23-103: SUPPLIER QUALITY ASSURANCE REQUIREMENTS

| | | |
|---|----------------------|-------------------------------|
|  | Specification | Nuclear Operating Unit |
|---|----------------------|-------------------------------|

| | |
|---|---|
| Title: Supplier Quality General Requirements | Document Identifier: 238-103 |
| | Alternative Reference Number: NNN-103 |
| | Area of Applicability: Nuclear Operating Unit |
| | Functional Area: Nuclear Commercial |
| | Revision: 2 |
| | Total Pages: 15 |
| | Next Review Date: March 2024 |
| | Disclosure Classification: Controlled Disclosure |

| | | |
|---|--|---|
| Compiled by  <hr/> S Brown Senior Advisor Procurement Quality Engineering Date: 2021-09-06 | Functional Responsibility  <hr/> P Xotyeni Manager Procurement Quality Engineering Date: 2021-04-09 | Authorized by  <hr/> B Culligan Senior Manager Nuclear Commercial Date: 2021-04-12 |
|---|--|---|

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 2 of 16

Additional Classification Information

Business Level: 3

Working Document: 3 – for reference

Importance Classification: N/A

NNR Approval: N/A

Safety Committee Approval: N/A

ALARA Review: N/A

Functional Control Area: Nuclear Commercial

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 3 of 16

Content

| | Page |
|---|------|
| 1. Introduction..... | 4 |
| 2. Supporting Clauses | 4 |
| 2.1 Scope..... | 4 |
| 2.1.2 Applicability..... | 4 |
| 2.1.3 Effective Date | 5 |
| 2.2 Normative / Informative References | 5 |
| 2.2.1 Normative..... | 5 |
| 2.2.2 Informative..... | 5 |
| 2.3 Definitions | 5 |
| 2.4 Abbreviations | 7 |
| 2.5 Roles and Responsibilities | 8 |
| 2.6 Process for Monitoring..... | 8 |
| 2.7 Related/Supporting Documents | 8 |
| 3. Quality Requirements | 8 |
| 3.1 Quality Assurance Requirements | 8 |
| 3.2 Quality Planning | 9 |
| 3.3 Access to supplier's facilities | 10 |
| 3.4 Non-Conforming Outputs..... | 10 |
| 3.5 Application for Concession and / or Deviation Permits..... | 10 |
| 3.6 Quality Records..... | 11 |
| 3.6.1 Discarding of Quality Record | 11 |
| 3.6.2 Supplier's Proprietary Records | 11 |
| 3.7 Supplier's Inspection | 11 |
| 3.8 Product Quality Release..... | 12 |
| 3.9 Packaging and Shipping..... | 12 |
| 3.10 Preservation of Product Quality and Delivery | 12 |
| 3.11 Documentation Submissions to Eskom | 12 |
| 3.11.1 Proposal / Quote/ Offer/ Tender stage | 12 |
| 3.11.2 During Contract or Purchase Order Award | 13 |
| 3.11.3 During the execution of the contract or purchase order | 13 |
| 3.11.4 On completion of the contract or purchase order | 13 |
| 4. Development Team | 14 |
| 5. Acceptance and Authorizations | 14 |
| 6. Revision Information..... | 14 |
| Appendix A – Supplier Quality Assurance Requirements..... | 16 |

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 4 of 16

1. Introduction

This specification states the minimum quality general requirements for all existing and potential Eskom suppliers that are providing products and services that are graded to RD-0034 Level 3 (L3).

Eskom requires their suppliers to implement an appropriate quality management system that includes the consideration of Quality Assurance (QA) measures specified by Eskom for the particular product and service.

2. Supporting Clauses

2.1 Scope

This specification covers the Eskom quality management requirements applicable to suppliers and sub-suppliers of L3 products and services for the operation of the Nuclear Operating Unit within Eskom.

2.1.1 Purpose

The purpose of this specification is to outline the requirements according to which suppliers of L3 products and services shall:

- develop
- implement,
- maintain and
- continually improve

a quality management system based on ISO 9001, with the intention that suppliers continuously adhere to Eskom requirements.

2.1.2 Applicability

This specification is used by Nuclear Commercial within the Nuclear Operating Unit to communicate applicable quality management requirements to suppliers as part of

- Eskom Request for Tender/Offer/Quote/Proposal/Information;
- Contract or purchase order documentation and
- Execution of services and manufacture or supply of products.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 5 of 16

2.1.3 Effective Date

01 May 2021

2.2 Normative / Informative References

Suppliers using this document shall apply the most recent edition of the documents listed in paragraphs 2.2.1 and 2.2.2.

2.2.1 Normative

- [1] 238-210: Supplier, Quality Management, Product and Service Information
- [2] 240-119088507: Compiling a Modification Quality Assurance Data Package
- [3] ISO 9001: Quality Management Systems Requirements
- [4] RD-0034: Quality and Safety Management Requirements for Nuclear Installations

2.2.2 Informative

- [5] 238-6: Nuclear Division Document and Records Management Requirements
- [6] ISO 9000: Quality Management System – Fundamentals and Vocabulary
- [7] ISO 9004: Quality Management Systems – Guidelines for performance improvements
- [8] ISO 10005: Quality Management Systems – Guidelines for Quality Plans
- [9] ISO 10006: Quality Management System – Guideline for Quality Management in Projects
- [10] OHSA of 1993: Occupational Health and Safety Act 85 of 1993

2.3 Definitions

2.3.1. Certificate of Conformance/Conformity (COC): a document signed or otherwise authenticated by an authorized individual certifying the degree to which products or services meet specified requirements.

2.3.2. Certificate of Interchangeability (COI): is a certificate that is supplied when an alternate and/or equivalent product is offered or proposed as a replacement to the requested or original product. A COI details that the two products are interchangeable in terms of design, function and qualification. In addition, the COI must reference the analysis document or qualification file where the conclusion has been derived to indicate that the alternate or equivalent product is interchangeable with the original product.

2.3.3. Concession: Permission to use or release a product that does not conform to specified requirements. A concession is generally limited to the delivery of a product that has nonconforming characteristics within specified limits for an agreed time or quantity of that product.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 6 of 16

2.3.4. **Contract Quality Management Plan (CQMP):** A supplier document specifying which processes, procedures and associated resources of their Quality System will be applied by whom and when to meet the requirements of a specific contract or purchase order, project, product or process to ensure compliance with these, and their own internal requirements. If more than one activity is involved in the project, then an integrated CQMP for the entire project is compiled. This document relates to the management system and controls for the project or contract.

2.3.5. **Deviation Permit:** Permission to depart from the originally specified requirements of a product prior to realisation. A deviation permit is generally given for a limited quantity of product or period, and for a specific use.

2.3.6. **Document:** Information and its supporting medium on which it is contained e.g. a record, specification, procedure document, drawing, report or standard. The medium can be paper, magnetic, electronic or optical computer disc, photograph or master sample, or a combination thereof. A set of documents, for example specifications and records, is frequently called "documentation". Some requirements (e.g. the requirement to be readable) relate to all types of documents, however, there can be different requirements for specifications (e.g. the requirement to be revision controlled) and records (e.g. the requirement to be retrievable).

2.3.7. **Hold Point:** A predetermined stage beyond which work shall not proceed without written authorisation of an Eskom representative or Eskom inspection authority or agency whichever is applicable.

2.3.8. **Inspection Agency:** An organisation or person appointed by Eskom for the purpose of performing quality assurance/quality control, monitoring or inspection services.

2.3.9. **Nonconformity:** non-fulfilment of a requirement

2.3.10. **Nuclear Safety Level 3 (L3):** Relates to quality requirements applicable to products of no importance to nuclear safety. Suppliers of L3 products and services shall have implemented Quality Assurance measures that are appropriate for the scope of work and are compliant to ISO 9001 or equivalent standard.

2.3.11. **Product:** The term "product" in addition to the ISO 9000 definition shall be interpreted as also meaning commodities, items of plant, equipment, material, services, etc. It includes SSCs, material, and services associated with SSCs. It is the result of a material or non-material process including services.

2.3.12. **Quality Assurance:** Part of quality management focussed on providing confidence that quality requirements will be fulfilled.

2.3.13. **Quality Assurance Data Package (QADP):** An indexed file containing all applicable records, documentation, certificates, and other data applicable to the works.

2.3.14. **Quality Assurance Programme:** A supplier document defining a set of processes, activities, resources and events serving to implement quality management of an organisation.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 7 of 16

2.3.15. **Quality Control Plan (QCP):** A document specifying the work or production activities to be inspected throughout the execution of the project inclusive of test methods, procedures and acceptance criteria. Eskom will indicate on the QCP their quality inspection Hold and Witness Points.

Note 1: The QCP is sometimes referred to as the Quality Inspection Plan (QIP) or Inspection and Test Plan

2.3.16. **Quality Management:** Management with regard to quality.

2.3.17. **Repair:** Action on a non-conforming product or service to make it acceptable for the intended use.

Note 2: The process of restoring a nonconforming characteristic to a condition so that the capability of a product or service to function reliably and safely is unimpaired, even though that product still does not conform to the original requirement. Repair dispositions require Eskom acceptance.

2.3.18. **Rework:** Action on a non-conforming product or service to make it conform to the specified requirements.

2.3.19. **Services:** Output (results of a process) of an organisation with at least one activity necessarily performed between the organisation and the customer.

2.3.20. **Special Process:** A process, the results of which are highly dependent on the control of the process or the skills of the operators, or both, and in which the specified quality characteristics cannot be readily determined by inspection or test of the product.

2.3.21. **System:** A set of interrelated or interacting elements.

2.3.22. **Use-As-Is:** A disposition permitted for a nonconforming product when it can be established that the product is satisfactory for its intended use. Use-As-Is dispositions require Eskom's acceptance.

2.3.23. **Witness Point:** A predetermined stage in the quality control plan beyond which work may proceed provided Eskom or their inspection agency has been notified.

2.4 Abbreviations

| Abbreviation | Description |
|--------------|--|
| AIA | Approved Inspection Agency |
| COC | Certificate of Conformance/Conformity |
| COI | Certificate of Interchangeability |
| CQMP | Contract Quality Management Plan |
| ISO | International Organisation for Standardisation |
| PER | Pressure Equipment Regulations |
| QA | Quality Assurance |
| QADP | Quality Assurance Data Package |
| QC | Quality Control |

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 8 of 16

| Abbreviation | Description |
|--------------|---|
| QCP/QIP/ITP | Quality Control Plan/Quality Inspection Plan/Inspection and Test Plan |

2.5 Roles and Responsibilities

The supplier is responsible to implement the specified requirements in this specification during contract or purchase order execution.

2.6 Process for Monitoring

The implementation of this specification will be monitored by PQE during periodic supplier audits and surveillances.

2.7 Related/Supporting Documents

Appendix A of this specification will be completed by an Eskom Nuclear Commercial Quality representative who will identify the specific quality assurance requirements that the supplier shall meet.

238-210 (Supplier, Quality Management, Product and Service Information) will be issued to the supplier to complete and return when responding to an Eskom invitation to submit information / proposal / tender / offer / quote.

3. Quality Requirements

3.1 Quality Assurance Requirements

- 3.1.1. Full details and justification of deviations from this specification shall be submitted to Eskom in writing for clearance prior to design, development, manufacture and supply of the products and services.
- 3.1.2. Full details of all deviations from these requirements must be submitted to Eskom in writing for clearance as exceptions during the supplier's tender/offer/quote stage.
- 3.1.3. Deviations after contract or purchase order award should be treated as Deviation or Concession permits.
- 3.1.4. The supplier shall have a documented, authorised and implemented quality assurance programme that, as a minimum, meets the requirements as identified in Appendix A of this specification as appropriate.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 9 of 16

- 3.1.5. The supplier shall be responsible for ensuring that all subcontractor quality assurance measures applicable to the subcontractor scope of work or supply comply with this specification.
- 3.1.6. The supplier must provide a description of the processes and supporting information that reflects how work is prepared, reviewed, carried out, recorded, assessed and improved during the supplier's tender/offer/quote stage.
- 3.1.7. The supplier shall inform Eskom of any changes to the quality assurance programme or personnel that will affect the quality assurance measures relating to the implementation of the Eskom scope of work.

3.2 Quality Planning

- 3.2.1. The supplier shall prepare a contract quality management plan (CQMP) as identified in Appendix A of this specification or on the order, which shall address the quality practices and interfaces with Eskom applicable to the contract or purchase order. In addition, the Eskom specific quality requirements which are not fully covered by the suppliers' documented quality system shall be addressed in this contract quality plan.
- 3.2.2. The supplier shall prepare Quality Control Plans (QCP) as identified in Appendix A of this specification or on the order. This QCP shall identify the sequential operations, indicate the inspection and test points and areas where reports and records are required.
- 3.2.3. QCPs shall be prepared for each uniquely identified product and shall be traceable to the work performed (Appendix A refers).
- 3.2.4. QCPs shall be reviewed by Eskom or its inspection authority or agency and they shall allow for the insertion of Eskom specific requirements, including hold and witness points prior to the commencement of work (Appendix A refers).
- 3.2.5. Subsequent changes to the Eskom approved quality plans shall require Eskom's agreement prior to the commencement of work involving an activity affected by such changes.
- 3.2.6. The supplier shall notify Eskom timeously, through agreed arrangements on dates and logistic regarding inspections and other quality activities.
- 3.2.7. Notification regarding intervention (hold / witness) points shall include the following information as applicable:
- Order or contract number;
 - Products involved;
 - QCP operation number;
 - Location of operation;
 - Time and date of operation;
 - Contact person's name and telephone number.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 10 of 16

3.2.8. The supplier shall submit the following management system documents within thirty days after the contract start date, for acceptance by Eskom, prior to the commencement of work;

- One copy of the CQMP, which indicates how the supplier will execute works for the contract
- One copy of the QCP, to be accepted prior to the commencement of any work
- Method statements for works (describing how work will be conducted) to be accepted prior to the commencement of any work.

3.3 Access to supplier's facilities

Eskom or its inspection authority or agency where appropriate, shall be afforded access to supplier and sub-contractor's premises and facilities at reasonable times to conduct quality audits, surveillance or inspections to verify compliance with the contract or order. The level of monitoring may vary during the contract or order depending on the demonstrated performance and Eskom's degree of confidence.

3.4 Non-Conforming Outputs

- 3.4.1. All non-conforming products and services that affect form, fit or function as specified by the contract or purchase order, referenced standard, technical specification, Eskom approved drawing, procedure and quality control plans or which affect interchangeability or maintenance, shall be reported to Eskom.
- 3.4.2. Eskom shall be informed of non-conforming products and services as soon as such non-conformances are recognized by the supplier. The supplier shall implement the respective processes which must adequately reflect Eskom involvement.
- 3.4.3. If the process of rework involves new special processes (i.e. welding, heat treatment, non-destructive examination procedures that has not yet been approved or accepted by Eskom or Eskom's inspection authority or agency) or will have an effect on form, fit or function of other acceptable products, materials, components, equipment, structures or systems, then such nonconformities shall be reported to Eskom or Eskom's appointed inspection authority or agency.
- 3.4.4. For nonconformities that require recalls, the supplier shall evaluate deviations, defects and failures associated with substantial safety hazards as soon as practicable and report it to the Eskom.

3.5 Application for Concession and / or Deviation Permits

- 3.5.1. Non-conforming products and services shall be rejected by the supplier or Eskom, or Eskom's inspection authority or agency. In exceptional cases, if considered suitable for repair, or if it may be used "as is", non-conforming products and services shall be the subject of a concession permit application. Such application shall be submitted directly to Eskom, or Eskom's inspection authority or agency for review and acceptance.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 11 of 16

3.5.2. The accepted / rejected concession permit shall form part of the quality assurance data package.

3.5.3. A departure to a specified requirement due to non-availability, mechanical properties, chemical composition or similar problems, shall be the subject of a deviation permit before production or service provision commences.

3.6 Quality Records

3.6.1 Discarding of Quality Record

No quality records applicable to Eskom scope of work shall be destroyed or discarded by the supplier without prior written consent by Eskom.

3.6.2 Supplier's Proprietary Records

Whenever Eskom and the supplier mutually agree that the supplier retains certain quality records that the supplier considers proprietary information, the supplier shall ensure that:

- Records and documentation are kept suitably protected against deterioration and/or damage for an agreed period;
- Eskom is granted due access to such records and documentation, on request; and
- Records and documentation are properly indexed and readily retrievable at all times.

3.7 Supplier's Inspection

3.7.1. The supplier shall ensure that all work has been fully inspected, accepted and documented prior to requesting any inspection by Eskom.

3.7.2. Final dimensional checks and those before machining as applicable must be included in the final Quality Assurance Data Package that accompanies the product.

3.7.3. All inspections and tests required by the Technical Specification or defined in the order must be documented and included in the final Quality Assurance Data Package that accompanies the product.

3.7.4. The Supplier shall comply with the Pressure Equipment Regulations (PER) under the South African Occupational Health and Safety Act 85 of 1993, during the design, manufacture, construction, erection, commissioning, maintenance, repair, testing and certification of Pressure Equipment.

3.7.5. The Approved Inspection Authority (AIA), the final selection of which is subject to Eskom approval, shall perform these duties when required either in accordance with the provisions of the Occupational Health and Safety Act 85 of 1993 or the works information. The supplier

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 12 of 16

shall submit any information and documents requested by Eskom or the appointed Approved Inspection Authority.

- 3.7.6. The supplier shall complete and submit a QADP to Eskom for the Pressure Equipment containing a certificate issued by the equipment manufacturer and containing a verification signature by the Approved Inspection Authority, which certifies that the pressure equipment is designed and manufactured in accordance with the applicable health and safety standard (Appendix A refers).

3.8 Product Quality Release

- 3.8.1. No product covered by this specification may be dispatched to site, unless it has been released by Eskom or Eskom's agency through an Eskom product quality release unless otherwise agreed by Eskom in writing. The supplier shall ensure that one copy of the product quality release is shipped with the product to site.
- 3.8.2. Release of site work: No product covered by this specification shall be placed into service unless it has been inspected and released by Eskom.

3.9 Packaging and Shipping

All Packaging, Shipping, Receiving, Storage, and Handling of products shall conform to the procurement specification or works information of the contract or purchase order where specified by Eskom. Any deviation requests shall be formally applied for with Eskom.

3.10 Preservation of Product Quality and Delivery

- 3.10.1. The supplier shall specify at the time of delivery any special requirements for safe handling, storage, protection from environmental degradation, shelf life and utilisation.
- 3.10.2. Confirmation of delivery of products by Eskom personnel, by signing the delivery note, should not be interpreted as acceptance of the products.
- 3.10.3. Products shall be accepted or rejected only after completion of the receipt inspection process. Receipt inspection involves inspection of the products and review of the quality assurance data package to verify their conformance to procurement requirements.

3.11 Documentation Submissions to Eskom**3.11.1 Proposal / Quote/ Offer/ Tender stage**

The following documents shall be submitted:

- Appendix A – (Supplier Quality Assurance Requirements): Accepted, signed and returned,
- 238-210 – (Supplier, Quality Management, Product and Service Information): Completed and returned.

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 13 of 16

The following documents shall be submitted as applicable to the requirements specified as part of the Functional Evaluation Criteria when quality management system is required:

- Latest structure/organogram of the organisation;
- Copy of the contract quality management plan (including QCP's) from a similar project executed by the tenderer less than three years ago. If none exists, then one provisional (draft) copy of the CQMP (including a signed quality policy);
- A CV of the supplier's individual who has the responsibility for quality assurance and /or quality control;
- Copy of last Management Review report reflecting quality performance and measures;
- Sample of a completed non-conformity report;
- Copy of latest internal audit schedule and audit report;
- A method statement for the evaluation and selection of suppliers.

Note 3: Evaluation of the supplier's quality assurance capabilities will be based on the above submissions as well as their existing record of performance.

3.11.2 During Contract or Purchase Order Award

The following documents shall be submitted to Eskom for review and acceptance on contract or purchase order award and prior to commencement of work (Appendix A refers) as applicable:

- copy of the quality manual or, documented information regarding policy and statements of intent regarding quality;
- copy of QCP and;
- copy of the CQMP.

3.11.3 During the execution of the contract or purchase order

The following documents shall be submitted to Eskom during the execution of the contract or purchase order:

- Quality records index of all quality control inspection and test records as well as any statutory documentation such as high pressure vessels that are governed by Pressure Equipment Regulations (PER)]. The retention period and location shall be indicated against each record type in the index. Eskom, or Eskom's inspection authority or agency, will review the index for acceptance;
- Concessions or deviation permits.

3.11.4 On completion of the contract or purchase order

A copy of the approved Quality Assurance Data Package (QADP) shall be included with the shipment of products for delivery to site.

The QADP shall be indexed to show the entire contents and shall contain as applicable:

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Supplier Quality General Requirements

Unique Identifier: 238-103

Revision: 2

Page: 14 of 16

- a certificate of conformance verifying that technical and QA and/or QC requirements have been satisfactorily completed and all quality control plans have been "signed off";

Note 4: The Certificate of Conformance must indicate the Eskom Order Number, Supplier's name and address, identification marks, cast or batch numbers and/or serial numbers, description of material, quantity, specification/drawings, including revision, test report numbers or reference to test report, and signed by authorised individual of management;

- certificates of interchangeability where alternate or equivalent product is supplied;
- completed quality control plans for each uniquely identified product;
- inspections, test reports and certificates identified in the quality control plans;
- valid certificates of NDT personnel;
- NDT reports;
- material certificates;
- concessions and / or deviation permits;
- any additional information as referenced in 240-119088507 (Compiling a Modification Quality Assurance Data Package), when applicable.

4. Development Team

The following people were involved in the development of this document:

- Meeuwssen Edmonds

5. Acceptance and Authorizations

This document has been seen and accepted by:

| Name | Designation |
|--------------|---|
| Luren Chetty | Quality Manager- Nuclear Project Management |

6. Revision Information

| Date | Rev. | Compiler | Remarks |
|------------|------|----------|-------------|
| April 2021 | 2 | S Brown | Full Review |

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Supplier Quality General Requirements

Unique Identifier: **238-103**

Revision: **2**

Page: **15 of 16**

| Date | Rev. | Compiler | Remarks |
|-----------|------|------------|---|
| July 2018 | 1 | PS Xotyeni | New document as the Revision 0 was blocked for implementation. Amended the document to correct minor and formatting changes and to reflect the expansion of the Nuclear Operating Unit to accommodate Nuclear New Build Programme |
| July 2015 | 0 | H Zakarian | RD-0034 Level 3 supplier requirements |

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Supplier Quality General Requirements

Unique Identifier 238-103

Revision 2

Page 16 of 16

Appendix A – Supplier Quality Assurance Requirements

Enquiry No:1075359400

Station/BU: KOU

TITLE SPARES

QUALITY LEVEL: Q3/NSF

| | | Tick (✓) as applicable | |
|-------------------|---|-------------------------------------|-------------------------------------|
| | | YES | NO |
| ISO 9001 | Quality Management System - Certified | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ISO 9001 | Quality Management System - Compliance | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Quality Assurance | Formal Quality Assurance and inspection Programme accepted by Eskom- such formal control shall consist of the appropriate work procedures (e.g. procurement, receipt inspection, storage, handling processes, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Documents which shall be prepared on implementing quality programme requirements:

| | | |
|---|--------------------------|-------------------------------------|
| 1) Contract Quality Management Plan (ISO 10005) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Quality Control Plans (ISO 10005) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Data books for boilers, pressure vessels and alloy and high pressure/temperature pipe work systems | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Documents which shall be consulted on implementing the works:

| | | |
|----------------|-------------------------------------|--------------------------|
| 1) DSG-312-085 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) | <input type="checkbox"/> | <input type="checkbox"/> |

Compiled by (Eskom) ANTHEA TIMOTHEUS 

Date 2023/05/12

Accepted by (Supplier)

Date

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