

	Invitation to Tender KZN 131	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

The Provision of Catering Services for Mersey Training Centre, Pietermaritzburg and Durban Areas in the KwaZulu Natal Operating Unit for the training interventions and business meetings on an as and when required basis for a period of thirty-six (36) months.

Tender number	KZN 131
Issue date	03 May 2024
Closing date and time	01 July 2024- 10:00 AM
Tender validity period	Six (6) months from the closing date and time.
Clarification meeting	Compulsory Clarification Meeting Date: 17 May 2024 Time: 10:00 am Venue: Eskom Mersey Training center Mersey training Center is situated +- 33km away from Pietermaritzburg City, off the R33 near Mpolweni (-29.391240, 30.447976). Failure to attend the compulsory clarification meeting will preclude the suppliers from submitting a tender.
Tenders are to be delivered to the following address on the stipulated closing date and time.	The Tender Box Eskom Tender Office Commercial Building 25 Valley View Road New Germany 3620

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for **the Provision of Catering Services for Mersey Training Centre, Pietermaritzburg and Durban Areas in the KwaZulu Natal Operating Unit for the training interventions and business meetings on an as and when required basis for a period of thirty-six (36) months.**

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.

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

Yours faithfully



Acting Procurement Manager (CEC KZN 5438)

Thandi Xaba

Date: 16 April 2024

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

Number	Description	Annexures	Attached
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form	Annexure C	Y
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.		Uploaded on the Eskom tender bulletin and NT e-Tender portal.

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The Employer is Eskom Holdings SOC Ltd The Eskom Representative is: Name: Nombuso Xulu Tel: +27 31 710 5290 E-mail: XuluNSo@eskom.co.za
1.3 Enquiry documents	The Invitation to tender number is: KZN 131 All relevant documentation for this Tender will be published on: 1. Eskom's Tender Bulletin 2. National Treasury e-Tender Portal
1.4 Type of Invitation to Tender	This invitation to tender is: An open Invitation to tender.
1.6 Eskom's rights to accept or reject any tender.	The tender shall be for the whole of the contract. The Provision of Catering Services for Mersey Training Centre, Pietermaritzburg and Durban Areas in the KwaZulu Natal Operating Unit for the training interventions and business meetings on an as and when required basis for a period of thirty-six (36) months.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the 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 deemed ineligible to submit a tender if. - 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. - Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium.

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	3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: (a) they have a controlling partner/majority shareholder in common; or (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer or influence the decisions of the Employer regarding this bidding process. 5. Tenders signed by non- authorized persons. 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work. Ineligible tenderers will be disqualified.
2.2 -2.5 Tender Closing	The deadline for tender submission is: Date: 01 July 2024 Time: 10:00 am Late Tenders will not be accepted. Tenders are to be submitted to the Eskom tender box at the following physical address: The Tender Office Commercial Building 25 Valley View Road New Germany 3620

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2.9 Copy of original tender	The tenderer must submit the tender as a one (1) complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. Where a Tenderer does not submit one (1) complete original tender, plus one (1) complete hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is six (6) months from the closing date and time.
2.16 Site/clarification meetings	Compulsory Clarification Meeting Date: 17 May 2024 Time: 10:00 am Venue: Eskom Mersey Training center Mersey training Center is situated +- 33km away from Pietermaritzburg City, off the R33 near Mpolweni (-29.391240, 30.447976). It is to be noted that this is a compulsory clarification meeting, suppliers who do not attend the meeting will be disqualified and will not be evaluated.
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 five (5) working days before the deadline for tender submission. All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative XuluNSo@eskom.co.za All Clarification queries and responses will be published on Eskom's Tender Bulletin and the National Treasury e-Tender Portal. Tenderers are encouraged to continuously check the bulletins for the latest updates or addendums during the tender process.
2.23 Alternative tenders	Alternative tenders are not allowed .
2.31 Provision of security for performance	Should the outcome of the Financial Evaluation results be unfavourable/ Financially not sound, the following risk mitigation factors will be considered: ➤ Obtaining a performance bond from a financial institution that has been pre-approved by Eskom Treasury department.

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	➤ A parent Company Guarantee, provided that the parent company is financially sound enough to stand as surety for the subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis. ➤ A reduced contract may be recommended; or ➤ Payment upon delivery of a milestone activity or milestone goods
3.4 Opening of tenders	Tenders will not be opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Prices will not be read out.
3.9 Basic Compliance	<u>Commercial Mandatory Returnable (Disqualifiable)</u> These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender must be disqualified. • Meet the eligibility criteria for a tenderer. • Submit one (1) original plus one (1) complete hard copy of the original tender to Eskom. • Acceptance of the terms and conditions of the NEC3 Term Service Contract and a fully priced BOQ. <u>Commercial Mandatory Returnable (Non - Disqualifiable)</u> These returnable are also required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender will be disqualified. • Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender (Annexure G). • Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender (Annexure H). • Fully complete and sign the SBD 4 Bidders Disclosure form in the invitation to tender (Annexure I). • Annexure A – Acknowledgement form. • Annexure B - Tenderer's particulars form. • Annexure C - Integrity Declaration form.

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	- Supplier Tax Evaluation Questionnaire <u>Commercial Mandatory Tender Returnable for Contract Award</u> - CSD Registration (MAAA Number) - Valid Tax Clearance Certificate /Tax Pin - COID Registration
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 Tender; will be deemed non-responsive. <u>Commercial Mandatory Returnable (Disqualifiable)</u> These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender must be disqualified. - Meet the eligibility criteria for a tenderer. - Submit one (1) original plus one (1) complete hard copy of the original tender to Eskom. - Acceptance of the terms and conditions of the NEC 3 Term Service Contract and a fully priced BOQ. <u>Commercial Mandatory Returnable (Non - Disqualifiable)</u> These returnable are also required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender will be disqualified. - Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender (Annexure G). - Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender (Annexure H). - Fully complete and sign the SBD 4 Bidders Disclosure form in the invitation to tender (Annexure I). - Annexure A – Acknowledgement form. - Annexure B - Tenderer's particulars form. - Annexure C - Integrity Declaration form. - Supplier Tax Evaluation Questionnaire

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		as passed if result is "Yes" for KPI 1.1		
	1,1	HACCP system certificate accredited by SANAS -"Yes" for a valid copy of certificate at date of tender closing date -"No" for invalid or no copy of certificate		
	Part A - Mandatory Criteria Results			PASSED/ FAILED
	KPI 2	Part B - Quantitative Criteria Part B - Quantitative Criteria will be deemed as passed only if a minimum score of 82,5 is achieved	Weight	Score - out of 10 Weighted Score
	2,1	Tenderer to have a valid certificate of acceptability for food preparation premises -Score 10 for a valid copy of certificate at date of tender closing date -Score 0 for invalid	30	10 30

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		or no copy of certificate			
	2,2	Chef must have a General Chef Training Certificate from accredited body -Score 10 for valid copy of certificate at date of tender closing date -Score 0 for invalid or no copy of certificate	25	10	25
	2,3	Tenderer to provide 2 written references from different customers referencing the tenderer's service. Written references must include details of the customer (name of referee, telephone number or cell phone number, email address) where similar service have been rendered successfully. Reference with negative feedback will not be used to evaluate this criterion. -Score of 10 for 2 written references meeting the requirements stated	25	5	12,5

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		herein 2.3 -Score of 5 for 1 written reference meeting the requirements stated herein 2.3 -Score of 0 for no written references or reference with negative feedback or not meeting the requirements stated herein 2.3			
	2,4	Tenderer to provide valid membership of Accredited Hospitality Body. Proof of membership is either certificate or the membership card. -Score 10 for either a valid copy of certificate or a valid copy of membership card; valid at date of tender closing date -Score 0 for invalid or no copy of certificate or no copy of membership card	10	10	10
	2,5	Tenderer to provide proof of ownership of delivery vehicle in the tenderer's name / owner of tendering company name. Or a letter from a rental company showing	10	5	5

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		capability/eligibility of hiring a delivery vehicle.-Score 10 for copy of more than 1 delivery vehicle registration certificate, which is in the name of the tendering company or in the name of the owner of the company-Score 10 for copy of a letter from rental company showing capability/eligibility of hiring more than 1 delivery vehicle-Score 5 for copy of 1 delivery vehicle registration certificate, which is in the name of the tendering company or in the name of the owner of the tendering company-Score 5 for copy of a letter from rental company showing capability/eligibility of hiring 1 motor vehicle-Score 0 for invalid or no copy of vehicle registration certificate-Score 0 for no copy of a letter from rental company showing capability/eligibility				
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	<table><tr><td></td><td>of hiring a motor vehicle</td><td></td><td></td><td></td></tr><tr><td colspan="4"></td><td></td></tr><tr><td colspan="4">Part B - Quantitative Criteria Score</td><td>82,5</td></tr><tr><td colspan="4">Part B - Quantitative Criteria Results</td><td>PASSED/FAILED</td></tr><tr><td colspan="4"></td><td></td></tr><tr><td colspan="4">Overall Technical Evaluation Results</td><td>PASSED/FAILED</td></tr></table>		of hiring a motor vehicle									Part B - Quantitative Criteria Score				82,5	Part B - Quantitative Criteria Results				PASSED/FAILED						Overall Technical Evaluation Results				PASSED/FAILED																																																					
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3.15 Evaluation of price	The rates will be sourced from the market. The following pricing schedule will be used to obtain prices from the market. <table><tr><th>Item No.</th><th>Description</th><th>Unit</th><th>Rate</th></tr><tr><td>1</td><td>Meals:</td><td></td><td></td></tr><tr><td>1,1</td><td>Breakfast (as per the breakfast specification table)</td><td>Per meal</td><td></td></tr><tr><td>1,2</td><td>Lunch - Mersey training Centre (as per the lunch specification table)</td><td>Per meal</td><td></td></tr><tr><td>1,3</td><td>Lunch - Pietermaritzburg and Durban Areas (as per the lunch specification table)</td><td>Per meal</td><td></td></tr><tr><td>1,4</td><td>Lunch Pack including packaging and condiments (as per the lunch pack specification table)</td><td>Per pack</td><td></td></tr><tr><td>1,5</td><td>Dinner (as per the dinner specification table)</td><td>Per meal</td><td></td></tr><tr><td colspan="4"></td></tr><tr><td>2</td><td>Drinks Options:</td><td>UNIT</td><td></td></tr><tr><td>2,1</td><td>300ml Can of Cold drink</td><td>Each</td><td></td></tr><tr><td>2,2</td><td>500ml Bottled water add to scope</td><td>Each</td><td></td></tr><tr><td>2,3</td><td>300ml Can of 100% Fruit juice</td><td>Each</td><td></td></tr><tr><td colspan="4"></td></tr><tr><td>3</td><td>Braai Options:</td><td>UNIT</td><td></td></tr><tr><td>3,1</td><td>Braai Coal, Pap, Chutney, 2 salads and 2 bread rolls</td><td>Per person</td><td></td></tr><tr><td>3,2</td><td>Steak 180 gram</td><td>Each</td><td></td></tr><tr><td>3,3</td><td>Lamb Chop 200 gram</td><td>Each</td><td></td></tr><tr><td>3,4</td><td>Wors/Mutton sausage 160 gram</td><td>Each</td><td></td></tr><tr><td>3,5</td><td>Chicken Drumstick 150 gram</td><td>Each</td><td></td></tr><tr><td colspan="4"></td></tr></table>				Item No.	Description	Unit	Rate	1	Meals:			1,1	Breakfast (as per the breakfast specification table)	Per meal		1,2	Lunch - Mersey training Centre (as per the lunch specification table)	Per meal		1,3	Lunch - Pietermaritzburg and Durban Areas (as per the lunch specification table)	Per meal		1,4	Lunch Pack including packaging and condiments (as per the lunch pack specification table)	Per pack		1,5	Dinner (as per the dinner specification table)	Per meal						2	Drinks Options:	UNIT		2,1	300ml Can of Cold drink	Each		2,2	500ml Bottled water add to scope	Each		2,3	300ml Can of 100% Fruit juice	Each						3	Braai Options:	UNIT		3,1	Braai Coal, Pap, Chutney, 2 salads and 2 bread rolls	Per person		3,2	Steak 180 gram	Each		3,3	Lamb Chop 200 gram	Each		3,4	Wors/Mutton sausage 160 gram	Each		3,5	Chicken Drumstick 150 gram	Each					
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	4	Snacks Options:	UNIT	
	4,1	Assorted muffins with butter	Each	
	4,2	Scones with butter	Each	
	4,3	Scones with butter and cheese, or jam and cream	Each	
	4,4	Toasted Sandwiches with assorted fillings	Each	
	4,5	Whole fresh fruit	Each	
	4,6	Provision of Finger Food - Sandwich Platter (Serves 8-10)	Per platter	
	4,7	Provision of Finger Food - Chicken Platter (Serves 8-10)	Per platter	
	4,8	Provision of Finger Food - Meat Platter (Serves 8-10)	Per platter	
	4,9	Provision of Finger Food - Pastry Platter (Serves 8-10)	Per platter	
	4,10	Provision of Finger Food - Cocktail Platter (Serves 8-10)	Per platter	
	4,11	Yoghurt	Each	
	5	Provision for Special Meals (health meals, vegetarian meals, Halaal meals, kosher meals, and special dietary requirements)	UNIT	
	5,1	The provision and serving of Special Meals	% markup of meal cost	
	5,2	Transport *Travelling will be paid from the Base Station **Base Station is Mersey Training Centre. Travelling costs will only be for the delivery of food to and from site.	Km	
	6	Other:	UNIT	
	6,1	Long life milk (full cream / low fat) for mid-morning and afternoon tea/coffee	Per Litre	
	6,2	Polystyrene foam 2 division meal box with a plastic spoon, fork, and knife.	Per Set	

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	6,3	Food Delivery Service *Travelling will be from the base station. **Base Station is Mersey Training Centre. Travelling costs will only be for the delivery of food to and from site.	Per Km (incl. toll fees and parking fees)															
	6,4	Cleaning of the kitchen, grocery storerooms and dining hall, as per the service information and applicable regulations	Monthly															
	6,5	Pest Control in the kitchen, grocery storerooms and dining hall, as per the service information and applicable regulations	Monthly															
	6,6	Cleaning of the extractor hood	Per service															
	6,7	Cleaning of the fat trap	Per service															
	6,8	Provision of Hygiene Audit Report	Per report															
	6,9	Adhoc items requested by Service Manager	% markup of Quote															
3.17 Evaluation of Specific Goals	Specific goals will be scored out of 20 points in accordance with PPPFA. <table><tr><th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr><tr><td>1</td><td>20</td></tr><tr><td>2</td><td>18</td></tr><tr><td>3</td><td>14</td></tr><tr><td>4</td><td>12</td></tr><tr><td>5</td><td>8</td></tr><tr><td>6</td><td>6</td></tr></table>				B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6
B-BBEE Status Level of Contributor	Number of points (80/20 system)																	
1	20																	
2	18																	
3	14																	
4	12																	
5	8																	
6	6																	

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7	4
8	2
Non-compliant contributor	0

NB: The following documents are required to claim preference points,

Valid BBBEE certificate issued by a SANAS accredited verification agency **or** a **valid** sworn affidavit **or** a **valid** BBBEE Certificate issued by CIPC for EME companies.

The following will be considered when it comes to validity of affidavits.

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director**, **owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership, and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)**

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	Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.	
	<u>NB: Supporting documents may be requested during evaluation (This list is not exhaustive):</u> - Proof of ownership / shareholding (CIPC registration documentation) inclusive of shareholding breakdown - ID copies of shareholder(s) or owner(s) of the business - Proof of Disability of owner(s) of the business (where applicable) Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but' - May only score point out of 80 for price. - Scores 0 points out of 20 for specific goals If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.	
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: - 80/20 for tender with rand value equal to or below R50 million. - Eskom will then add the scores from Pricing and Specific goals together and rank the suppliers from the highest to the lowest. Criteria for breaking deadlock in scoring (1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals. (2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.	
3.19 Objective Criteria	Objective criteria are applicable. Compliance to Objective criteria is Mandatory. Failure to comply with Objective will render the tender non-responsive. The following objective criteria apply: - Designated material and thresholds – Not applicable.	

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	2. CIDB Contract skills development goals (CSGD) - Not applicable. 3. NIPP (National Industrial Participation Programme) Requirements – Not applicable. 4. Mandatory Subcontracting as condition of award – Not applicable.														
Contractual Requirements	Contractual Requirements may include the following: 1. SHEQ requirements; and/or 2. Financial statements; and/or Please Note: The recommended service provider still in the running for this contract will be evaluated in terms of their contractual requirements. Should they not pass the initial evaluation they will be advised of their shortcomings and have 7 days in which to correct their shortcomings. Failure to correct the shortcomings within the stipulated time will result in the contractor being deemed unacceptable in terms of their contractual requirements and will not be considered for the contract. The following requirements form part of the contractual requirements: <u>Quality Evaluation Criteria</u> <table border="1"> <thead> <tr> <th colspan="2">SECTION A: Quality Management System Requirements ISO 9001</th></tr> <tr> <th colspan="2">Objective evidence of documented QMS that is not certified but complies with ISO 9001</th></tr> <tr> <th></th><th>Apply = 1</th></tr> </thead> <tbody> <tr> <td>A.1 QMS Method statement based on scope (Method Statement Template- Ref 240-126469399)</td><td>1</td></tr> <tr> <td>A.2 Quality Policy Approved by top management.</td><td>1</td></tr> <tr> <td>A.4 Control of documented information (i.e., document and record control) Clause 7.5 of ISO 9001:2015</td><td>1</td></tr> <tr> <td>A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015</td><td>1</td></tr> </tbody> </table>	SECTION A: Quality Management System Requirements ISO 9001		Objective evidence of documented QMS that is not certified but complies with ISO 9001			Apply = 1	A.1 QMS Method statement based on scope (Method Statement Template- Ref 240-126469399)	1	A.2 Quality Policy Approved by top management.	1	A.4 Control of documented information (i.e., document and record control) Clause 7.5 of ISO 9001:2015	1	A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015	1
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	A.7 Documented information for Internal audit clause 9.2 of ISO 9001:2015	1
	Section A Score Option 2	5
	SECTION B: Evidence of QMS in operation (Tender Quality Requirements - Ref 240-105658000)	
		Apply =1
	B.1 Documented information for defined roles, responsibilities, and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)	1
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)	1
	Section B Score	2
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000)	
	Customer specific requirements & other standards and required can be listed and evaluated here	
		Apply (Yes=1)
	E.1 Form A is completed and signed.	1
	Section E Score	1
	<u>Safety Evaluation Criteria</u>	
	PART A	
	Ref	KPIs
	1	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?
	2	Safety, Health, and Environmental Plan for Scope of work not limited to the following:

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OR PART B

Environmental Evaluation Criteria

1.	<u>Pre-requisite</u>	
		Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer

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2. Environmental Management Plan for the Scope of work addressing the following as a minimum:**Applicable to low risk:**

- Waste management (reduction, re-use, recycling, disposal).

3. All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD:

Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.

OR PART B**1. Annexure B**

Is the acknowledgement of **Eskom's SHE rules** and requirements form (**Annexure B**) signed and submitted by the tenderer?

2. ISO 14001 Environmental Management Standard certificate.**Financial Requirements**

Financial evaluations will be conducted on the recommended Service Provider's financial statements to determine if the Service Provider is financially viable to execute the scope of work.

Requirements for Financial Evaluation of Companies

•Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:

1. Whether the AFS were internally or externally prepared.
2. Whether the company was owner managed or not owner managed.

•Latest approved financial statements including comparative amounts. AFS must be valid and not outdated, received within 18 months after year-end.

•A signed director's / member's report.

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• Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above.

Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.

• Approved Annual Financial statements must comprise of Statement of financial position (Balance Sheet)

- o Statement of comprehensive income (income statement)
- o Statement of changes in Equity
- o Statement of cash flows
- o Notes to the financial statements
- o ITA 34C Income Tax Assessment for companies that have NOT been AUDITED

• The notes to the AFS specifically referring to **Accounts Receivable** and **Accounts Payable** must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.

• The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.

• Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.

• Name of Holding company if the company is a subsidiary company.

• Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.

• Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.

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	Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage. Should the outcome of the Financial Evaluation results be unfavourable/ Financially not sound, the following risk mitigation factors will be considered: ➤ Obtaining a performance bond from a financial institution that has been pre-approved by Eskom Treasury department. ➤ A parent Company Guarantee, provided that the parent company is financially sound enough to stand as surety for the subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis. ➤ A reduced contract may be recommended; or ➤ Payment upon delivery of a milestone activity or milestone goods.
2.25Contractual Condition	The conditions of contract will be the NEC3 Term Service Contract .

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

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

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

1.3 TENDER RETURNABLES

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

NOTE:

*** Returnable required at Tender closing (disqualifiable) - These returnable are required to be fully completed, signed and submitted with the tender at Tender closing date and time. If not fully completed, signed and 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 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 and received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified.**

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	Meet the eligibility criteria for a tenderer.	✓		
	The tenderer must submit one (1) complete original tender, plus one (1) complete hard copy of the original tender	✓		
	CSD Registration – Companies are required to provide a valid CSD (MAAA.....) number.			✓
	Completed and signed NEC3 Term Services Contract document.	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure G (applicable for all suppliers including foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure I	SBD 4 – Bidders Disclosure		✓	
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.			✓

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#Specific Goals	Failure on the part of the supplier to submit “ proof of specific goals ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.		✓	
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)			✓
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED) <i>NB: The documents required for Safety, Quality, Environmental and Financial are required at Tender Closing for Tender Evaluation Purposes.</i>			
Safety	Documents required as per the Safety Evaluation Criteria			
Quality	Documents required as per the Quality Evaluation Criteria			
Environmental	Documents required as per the Environmental Evaluation Criteria.			

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Due Diligence	<u>Financial Requirements</u> Financial evaluations will be conducted on the recommended Service Provider's financial statements to determine if the Service Provider is financially viable to execute the scope of work. Requirements for Financial Evaluation of Companies •Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether: 1. Whether the AFS were internally or externally prepared. 2. Whether the company was owner managed or not owner managed. •Latest approved financial statements including comparative amounts. AFS must be valid and not outdated, received within 18 months after year-end. •A signed director's / member's report. •Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above. Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted. •Approved Annual Financial statements must comprise of - o Statement of financial position (Balance Sheet) - o Statement of comprehensive income (income statement) - o Statement of changes in Equity - o Statement of cash flows - o Notes to the financial statements - o ITA 34C Income Tax Assessment for companies that have NOT been AUDITED • The notes to the AFS specifically referring to Accounts Receivable and Accounts Payable must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade			
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	Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest. • The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest. • Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates. • Name of Holding company if the company is a subsidiary company. • Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage. • Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information. Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage. Should the outcome of the Financial Evaluation results be unfavourable/ Financially not sound, the following risk mitigation factors will be considered: ○ Obtaining a performance bond from a financial institution that has been pre-approved by Eskom Treasury department. ○ A parent Company Guarantee, provided that the parent company is financially sound enough to stand as surety for the subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis. ○ A reduced contract may be recommended; or ○ Payment upon delivery of a milestone activity or milestone goods.			
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	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring)	Tender Returnables to be submitted as per the Technical Evaluation Criteria.	✓		

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SCOPE OF WORK -KZN 131

Description of the service for Mersey Training centre

- Preparing of meals Eskom Mersey Training Centre premises. In the event where the Contractor deems the volumes not viable for meals be prepared at Mersey Training Centre, the Contractor has the option to prepare the meals offsite at an acceptable food preparation premises and deliver to the relevant venues. No kilometres will be paid for delivery to Mersey Training Centre if meals are prepared at different site.
- Provision of Breakfast for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- Provision of Lunch for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- Provision of Lunch for Eskom employees and External Clients at the conference venues in and around Mersey Training Centre, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of Lunch packs to Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order. This is done as per the demands of the customer. It must be served in polystyrene foam boxes with plastic spoons, plastic forks, plastic knives, serviettes, and salt etc.
- Provision of Food Delivery Services in and around the Mersey Training Centre, as and when required via a task order.
- Provision of mid-morning and mid-afternoon tea and snacks to Eskom employees and External Clients at the conference venues at Mersey Training Centre, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of afternoon sandwiches to Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of Dinner for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- The provision and serving of health meals, vegetarian meals, Halaal meals, kosher meals and special dietary requirements based on orders placed in advance via a task order.
- Provision of refreshments as and when required by the Client, on an ordered quantity via a task order.
- The supply of Long-Life Milk for Mersey Training Centre, for the use in cereals, tea, and coffee. Milk used in the preparation of meals will be for the account of the Contractor.
- The provision of all tea and coffee, and sugar for these beverages, will be supplied by Eskom, and served by the Contractor.
- The provision of all food stuff and other material necessary for the catering services.
- Setting up of meals and make sure that meals are presented in a neat manner.

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- Sit down meals will be served by use of crockery and cutlery, which will be provided by the Contractor. The Contractor will be responsible for any broken or missing crockery and cutlery.
- Provision of utensils, catering dishes and appliances, over and above that supplied by Eskom, as and when required for the provision of the services, are for the Contractor's account.
- The Contractor will be responsible for the repair or replacement of any damage to Eskom owned property, equipment, appliances, and utensils.
- Provision, with all meals, toothpicks, serviettes and drinking straws, by the Contractor.
- Provide trained personnel and management necessary for the efficient running of the catering services.
- Maintain the premises in a clean and hygienic manner.
- Provision of material and supplies for disinfection of food preparation surfaces, equipment, the kitchen, and the canteen.
- Provision for Hygiene Audits Reports, on Service Manager's request, from an accredited independent authority. The costs to obtain the Hygiene Audits Reports is for the account of Contractor.
- Meals must be altered weekly on a four-week rotational basis or by agreement by the Service Manager.
- Ensure that meals are nutritious, healthy and in good quality. All menus designed by the Contractor must be approved by an accredited dietician.
- Ensure an effective administrative, accounting systems and procedure for the efficient running of the catering service.
- The following mealtimes that must be adhered to, unless otherwise instructed by the Service Manager:
 - Breakfast: To be served between 06h00 – 08h00
 - Morning Tea: To be served between 10h00 – 10h30
 - Lunch: To be served between 11h30 – 13h00 at the Canteen as well as the Conference Venues.
 - Afternoon Tea: To be served between 14h30 – 15h30
 - Afternoon Sandwiches: To be served at 16h00, if requested by the Employer
 - Dinner: To be served between 18h00 – 20h30
- The weekly dinner menu will be developed and proposed by the Contractor to the Service Manager for approval, in line with the Dinner Specifications Table.

Provision of material and supplies for disinfection of food preparation surfaces and canteen.

- The Contractor will be required to provide cleaning material (Food Approved) and wash the dishes and other utensils used in the kitchen as well as cleaning and disinfecting the food preparation surfaces and the canteen.

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- The Contractor will be required to provide the chef's knives, materials and consumables required to achieve the above as well as ensuring the hygiene of his/her employees. Quarterly hygiene audits to be performed by the reputable independent laboratory. The cost of these will form part of the catering contract and should be included as part of the Contractor's rates in the Price List.

Set up of Venues.

The Contractor will be required to ensure that the venues are set up using linen, cutlery and crockery. The Boardrooms and Conferencing Venues need to be cleaned and ready for use from Monday to Friday every week.

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Scope of Work – Pietermaritzburg and Durban Areas

- Provision of catering services for meetings and training interventions for Pietermaritzburg and Durban Areas sites, on an as and when required basis, on an ordered quantity via a task order.
- Preparing of meals are done at an Eskom Mersey Training Centre premises. In the event where the Contractor deems the volumes not viable for meals be prepared at Mersey Training Centre, the Contractor has the option to prepare the meals offsite at an acceptable food preparation premises and deliver to the relevant venues. Kilometres will be paid from Mersey Training Centre, the base site to the delivery site and back to Mersey Training Centre.
- The provision of all foodstuff and other materials necessary for the catering service.
- Serving of meals to the Eskom employees and guests at the requested site as well as catering for special functions i.e., boardroom meetings, conferences, training interventions.
- The provision and serving of health meals, vegetarian meals, halaal meals, kosher meals and special dietary requirements based on orders placed in advance via a task order.
- Provision of refreshments as and when required by the Client, on an ordered quantity via a task order.
- Setting up of meals and make sure that meals are presented in a neat manner.
- Sit down meals will be served by use of crockery and cutlery, which will be provided by the Contractor. The Contractor will be responsible for any broken or missing crockery and cutlery. Washing of crockery and cutlery will be done off-site by the Contractor.
- Provision of utensils, catering dishes and appliances, as and when required for the provision of the services.
- The Contractor will be responsible for the repair or replacement of any damage to Eskom owned property, equipment, appliances, and utensils.
- Provision with all meals of toothpicks, serviettes, and biodegradable drinking straws, by the Contractor.
- Provide trained personnel and management necessary for the efficient running of the catering services.
- Maintain the premises in the clean and hygienic manner.
- Provision of material and supplies for disinfection of food surfaces and equipment.
- Ensure that meals are nutritious, healthy and in good quality.
- Ensure an effective administrative, accounting systems and procedure for the efficient running of the catering service.
- The mealtimes that must be adhered to, as stipulated on the Task Order.

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Set up of Venues.

The Contractor will be required to ensure that the venues are set up using linen, cutlery, and crockery. The Boardrooms, Conferencing Venues and dining areas need to be cleared of all catering equipment and ready for use after each function.

Food Safety

The supplier will be required to comply with safety laws and safety procedures with the minimum of the following:

- Occupational Health and Safety Act, Act 85 of 1993 with copy of Company Health & Safety Policy
- National Health Act (Act No 61 of 2003)
- Foodstuff, Cosmetics and Disinfectant Act, Act 54 of 1972
- SANS 22000 Food safety Management
- SANS 10156 Handling of Chilled or Frozen food
- SANS 10133 Pest control in Food handling areas
- SANS 10049 Food safety Management and prerequisites
- SANS 10330 Requirements for a Hazard Analysis and Critical Control Point (HACCP) system
- Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters - GN 638/2018 (foodstuffs, Cosmetics and Disinfectants Act 54 of 1972)
- 39-113 Eskom Food Hygiene and Safety Management Standard
- R638 of June 2018
- Uniforms and Personal Protective clothing for the Contractor's employees must be issued by the Contractor and be in good and acceptable condition as deemed by the Service Manager.
- Annual medical observation and surveillance of each of the Contractor's employees (once at the beginning of the year (3 times during the three-year contract period)
- Cleaning of the extractor hood to be done at a minimum of a quarterly interval by the Contractor
- Cleaning of the fat trap to be done at least monthly by the Contractor
- Pest Control to be performed monthly in the kitchen, grocery storerooms and dining hall.
- The Safety Representative will monitor compliance by the Contractor with the Health and Safety Policy by means of Audits and may give instructions for improvements.
- The Contractor shall note that independent health and safety audits (or if considered suitable by the Safety Manager combined audits with the Contractor's auditor) will be carried out as considered necessary by the Safety Representative.

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- The chef must have at least a General Chef Training certificate and a Food Handlers Certificate, from an accredited body
- The management must have a Food Safety Management Training Certificate from an accredited body.
- All associated staff involved in the preparation of the food must have a Food Handlers Certificate from an accredited body.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

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

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Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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ANNEXURE B

TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number 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	

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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	

10. If you are currently registered as a vendor with Eskom, please provide your vendor registration number with Eskom. _____
11. If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury _____
12. 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.
13. You may register online at National Treasury website on www.treasury.gov.za
14. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
15. 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	
-----	--	----	--

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

8.1 Confirm if you intend sub-contracting.

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

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

8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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

8.6 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	
-----	--	----	--

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16. 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: _____

17. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

18. the tenderer/s employees/directors are also employees/contractors/consultants/ directors in the state or a state-owned entity.
19. the tenderer/s employees/directors are also employees/contractors/consultants/ directors of Eskom.
20. the tenderer/s employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
21. 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

4.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”.
22. 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

23. 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.

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

- 25. abused the institution's procurement process (e.g., bid rigging/collusion)
- 26. 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	Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector? [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]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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27. 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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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 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).

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ 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	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	☐	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ 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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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)? ☐ YES ☐ NO
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

5. Failure on the part of a tenderer to submit proof or documentation required in terms

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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.

6. 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.

7. 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).

8. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

$P_{\min}$ = Price of lowest acceptable tender

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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:

80/20

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

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 $P_{\max}$ = Price of highest acceptable tender

6. POINTS AWARDED FOR SPECIFIC GOALS

1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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

(Note to organs of state: Where 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.)

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

DECLARATION WITH REGARD TO COMPANY/FIRM

2. Name _____ of
company/firm.....

3. Company _____ registration _____ number:
.....

4. 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]

5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm,

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

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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ANNEXURE I

SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

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

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

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

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

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

.....

Signature

Date

.....

Position

Name of bidder

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