	<b>Invitation to Tender</b>	Document Identifier	240-114238630	Rev	18
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		Review Date	June 2029		

## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for the **supply and delivery of bakery products to eskom matla power station for a period of 2 years**

The tender documents are supplied to you on the following basis

1 Free of charge

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

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the Eskom Representative. No query or clarification may be addressed to any Eskom official other than the Eskom Representative.

Yours faithfully



**MPHO MOKALE**  
**PROCUREMENT:SENIOR ADVISOR**  
**MATLA POWER STATION**


Date: 02/05/2025

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1 1 12	Reverse e-auction training acknowledgement form (if applicable)	N/A	N/A
1 1 13	Reverse e-auction process (if applicable)	N/A	N/A
1 1 14	E-tendering Help Manual acknowledgement form	<b>Attached as a separate document</b>	Y
1 1 15	E-tendering Help Manual for supplier	<b>Attached as a separate document</b>	Y
1 1 16	CIDB Contract Skills Development Goals (CSDG) (if applicable)	N/A	N/A
1 1 17	Contract Participation Goals (CPG) (if applicable)	N/A	N/A
1 1 18	Scope of Work	<b>Attached as a separate document</b>	Y
1 1 19	NEC or other Contract	<b>Attached as a separate document</b>	Y
1 1 20	Pricing Schedule/BOQ (if not contained in Contract)	<b>Contained in NEC and scope of work attached</b>	


## 1.2 Tender Data

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

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Clause Number from Standard Conditions of Tender	Tender Data
1 1 Parties	<p>The Employer is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom Representative is  <b>Name:</b> Mogale Nchaupa  <b>Tel:</b> 017 612 9156  <b>E-mail:</b> <a href="mailto:NchaupML@eskom.co.za">NchaupML@eskom.co.za</a></p>
1 3 Enquiry documents	<p><b>The Invitation to tender number is: E1112GXMPMAT</b></p> <p>See the content list above for the enquiry documents</p>
1 4 Type of enquiry	<p>This Invitation to Tender  An open Invitation to Tender</p>
1 6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract</p> <p>The tenderers must ensure that all items in the price list are tendered for</p>
2 1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <p>1 Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found 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</p> <p>2 Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size</p>

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	<p>(900MB) for submission and the tenderers may submit more than one submission with the same tender number</p> <p>Tenders submitted by a joint venture 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</p> <p>4. A Tenderer must not have a conflict of interest All Tenderers found to have a conflict of interest shall be disqualified Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is they have a controlling partner or majority shareholder in common, or 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 to influence the decisions of the Employer regarding this bidding process,</p> <p>5. Tenders signed by non-authorised persons</p> <p>6. Any tenderer that is restricted by National Treasury</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for tender submission is Date <b>22 May 2025</b> Time <b>10h00</b></p> <p><b>Late Tenders will not be accepted.</b></p> <p><b>Tenders are uploaded via Eskom Tender bulletin site on the Eskom E- tendering page</b></p>
2.9 Submitting a tender – original tender and copy	<p>For Electronic Tender Submissions</p> <p>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page The documents need to be upload under</p>

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3 12 Functionality requirements	<p>Functionality requirements <b>are applicable.</b></p> <p><b>NB: Kindly check the detailed technical evaluation below attached.</b></p> <p>Tenders need to have a <b>weighted score of 75%</b> or more to technically qualify for further evaluation</p>
3 14 Evaluation of Price	<p>Prices will be evaluated as follows</p> <ol style="list-style-type: none"> <li>1 Inclusive of VAT</li> <li>2 Making the specified correction for arithmetical errors</li> <li>3 Excluding contingencies in any bill of quantities or activity schedule</li> <li>4 Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted</li> <li>5 Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable</li> <li>6 Unconditional discounts must be taken into account for evaluation purposes,</li> <li>7 Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected</li> </ol> <p>Prices will be scored out of 80 points</p>
3 16 Evaluation of Specific Goals	<p>Specific goals will be scored out of 20 points in accordance with PPPFA</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80 points for price and will score (Zero) 0 points for that Specific Goal</p> <p><b>NB: The following documents are required to claim preference points,</b></p>

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	<p>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPSVit</p> <p>Proof of ownership / shareholding (preferably C documentation) inclusive of shareholding breakdown</p> <p>Certified ID copies of shareholder(s)</p> <p>Proof of Disability (where applicable)</p> <p>In a case of a trust, consortium, or joint venture (including incorporated consortia and joint ventures) a consolidated B-BBEE status level verification certificate</p> <p>In a case of a trust, consortium or joint venture (including incorporated consortia and joint ventures) a consolidated B-BBEE status level verification certificate</p> <p>Note</p> <p><b>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.</b></p>
3 17 Ranking of tenders	<p>Tenderers will be ranked by applying the preferential point scoring for the <b>80/20</b> system</p> <p>Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest</p>
<p>3 18 Objective Criteria (if applicable)</p> <p>The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria, it may lead to the second-ranked tenderer being recommended for award</p> <p><b>Section 3: SDL&amp;I Penalty and Performance Security</b></p> <p><b>Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&amp;I obligations.</b></p> <p>N/A</p>	

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#### Section 4: Reporting and Monitoring

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked
- Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

#### Section 5: Market Research

The following information demonstrates market analysis and assisted in arriving at the targets above.

##### Current Suppliers Providing the Services

- None

##### Potential Suppliers

- Open market

#### Section 6: General Information on Validity of Sworn Affidavits

The following must 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)**
- **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**

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3 19 Reverse e-auction (if applicable)	Reverse e-auction <b>not applicable</b>
Contractual Requirements (if applicable )	<p>Contractual Requirements may include the following</p> <ul style="list-style-type: none"> <li>• Proof of CSD registration</li> <li>• SHEQ requirements, and/or</li> <li>• SDI&amp;L requirements, and/or</li> <li>• 2% CSI – Corporate Social Investment</li> </ul> <p><b>Please Note:</b> Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p>
3 22 Sign form of Agreement / Contractual Condition	<p><b>a) The conditions of contract will be the <i>Applying NEC3, SC (Supply Contract) with the following options</i></b></p> <p>Main option: A Option A Priced contract with price list W1 – Dispute Resolution Procedure for South Africa</p> <p><b>Secondary options:</b> X1 – Price Adjustment for inflation X2 – Changes in the Law X7 – Delay damages X17 – Low Performance Z – Additional conditions of contract</p> <p>The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit, Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3 3 of the</p>

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### 3.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)

CIDB Requirements is not applicable.




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Basic Compliance	Electronic copy of the tender in a PDF format The price list needs to be submitted in PDF and a copy in excel format (The limit is 50MB per file and total submission of 900MB per submission)	✓		
Annexure A	Authorisation Form		✓	
Annexure B	Acknowledgement Form		✓	
Annexure C	Tenderers Particulars		✓	
Annexure D	Integrity Pact Declaration form		✓	
Annexure E	CPA for local goods/services (if applicable)	✓		
Annexure F	CPA(IG) for imported goods/services (if applicable)	✓		
Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E <b>[only applicable where designated materials are included]</b>			✓
Annexure H (applicable for all suppliers including foreign suppliers)	SBD 1- to be completed and submitted by all tenderers			✓
# Annexure I	SBD 6 1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure J	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training acknowledgement form (if applicable)	N/A	N/A		N/A
E-tendering Help Manual acknowledgement form (If applicable)	E-Tendering Training Acknowledgement Form		✓	
Additional Documents required in the 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		✓	

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	# proof of compliance to the stipulated Specific goals		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement			✓
# Specific Goals	Failure on the part of the supplier to submit “proof of specific goals for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects ) The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking			✓
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)			✓

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<b>CIDB (where applicable)</b>	Valid proof of the required cidb grading designation for the main contractor JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer			N/A
<b>NEC/FIDIC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data	✓		
<b>Pricing schedule</b>	Completed pricing schedule (if not already submitted in the NEC or other Contract)	✓		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))</b>				N/A
	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Mandatory Contractual Requirement</b>	Proof of valid and current CSD Registration (CSD number/CSD Report)		✓	
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)			✓
<b>Quality</b>	Documents that may be required per scope of work			✓
<b>Other safety/quality documents as required per scope of works</b>	Letter of Good standing SHE Plan Baseline Risk assessment Safe working procedures SHEQ policy Annexure B Acknowledgement form			✓

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Environmental	Documents that may be required as per scope of work			✓
Due Diligence	N/A			N/A
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	See attached technical requirements	✓		

### Mandatory Requirements


Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
<p>The supplier shall submit the following proof</p> <ul style="list-style-type: none"> <li>Certificate of Acceptability for the Bakery premisses <i>or</i> Alternatively the certificate of Acceptability for Bakery premisses where Products are going to be sourced from</li> </ul>	Certificate of Acceptability	It is a mandatory for any food business

Failure to attain the mandatory requirements will result in the Tenderers being disqualified. Only Tenderers that pass the mandatory will be eligible for further evaluation.

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## FUNCTIONAL TECHNICAL EVALUATION

Functionality will be evaluated on a total weight of 100% with a minimum threshold of **75%**. Tenderers need to achieve at least the minimum of the weighted score as per the table below for each function to qualify for further evaluation


**Table 1: Qualitative Technical Evaluation Criteria**

	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
	Service Provider to achieve 75% score to pass the technical Evaluation				
1.	Proof of company experience in bulk supply and delivery of Bakery Products.			30%	
	1.1	Proof of above 3 year and above Experience in supply and delivery contractors	<ul style="list-style-type: none"> <li>Current or Previous client reference letter with Contract number or Order number and contactable details</li> </ul>		30%
	1.2	Proof of more than one and above Experience in supply and delivery contracts	<ul style="list-style-type: none"> <li>Current or Previous client reference letter with Contract number or Order number and contactable details</li> </ul>		15%
2	Quality Management System and food Safety management system			40%	

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	2 2	ISO 22000 food Safety or Equivalent type certification	ISO 22000 Certificate or equivalent (for the Bakery)		40%
3	Companies Risk Management Plan			30%	
	<p>3 1 Bidder to provide Policies and contingency plan based on service interruptions on the following:</p> <p>3 1 1 Replacement/ Back up plan for delivery vehicles when the vehicle is on repairs or written off</p> <p>3 1 2 Absenteeism of critical employees from work due to industrial and communities protest action</p>		Comprehensive Company contingency plan		<p>15%</p> <p>15%</p>
Total for Qualitative Criteria					100%

ISO 22000 food Safety or Equivalent type certification

ISO 22000 Certificate or  
equivalent (for the Bakery)

40%

3

## Companies Risk Management Plan

30%

**3.1 Bidder to provide Policies and contingency plan based on service interruptions on the following:**

Comprehensive Company  
contingency plan

3.1.1 Replacement/ Back up plan for delivery vehicles when the vehicle is on repairs or written off

15%

3 1 2 Absenteeism of critical employees from work due to industrial  
and communities protest action


15%

Total for Qualitative Criteria

100%

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## ANNEXURE A

### AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation or joint venture, the *tenderer* must attach a certified copy of the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, or power of attorney in the case of a joint venture).

Note further that the authorised representative of the *tenderer* will in addition be required to sign the form at the end in addition to the relevant certificate for category of organisation.

#### **A. Certificate for company**


I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of directors of \_\_\_\_\_, hereby confirm that by resolution of the board taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. The resolution of the board is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

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#### B. Certificate for close corporation

I, \_\_\_\_\_, in my capacity as member of \_\_\_\_\_, hereby confirm that by majority vote of the members taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. The members' resolution is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b> (Member)

#### C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as \_\_\_\_\_ hereby authorise Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, to submit this tender on our behalf, and to sign all documents in connection with the tender and any contract that may result from it on our behalf.

Name	Address	Signature	Date

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

#### D. Certificate for Joint Venture

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We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms \_\_\_\_\_, an authorised signatory of the company \_\_\_\_\_, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture

Furthermore we attach to this Form a copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates the member that will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members

Name of JV member	Address	Authorised signature, name and capacity
Lead partner		

#### E. Certificate for sole proprietor

I, \_\_\_\_\_, hereby confirm that I am the sole proprietor of the business trading as \_\_\_\_\_

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b> (Sole Proprietor)

**NOTE:** The table hereunder to also be fully completed by all *tenderers* irrespective of the category of organisation selected and completed above.

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## **ANNEXURE C**

### **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 individual companies and each JV member)	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each 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 in the case of a 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	


- 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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury \_\_\_\_\_
- 3 Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award
- 4 You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
- 5 If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status \_\_\_\_\_
- 6 If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage

YES		NO	

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7. If sub-contracting is prescribed in the enquiry, tenderers must complete 7.1 to 7.9.

7.1 Confirm if you intend sub-contracting

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

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

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

7.4 Is the said sub-contractor registered on CSD?

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

7.5 If yes to 7.4, please provide CSD number \_\_\_\_\_

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

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

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

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

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


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

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

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Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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## ANNEXURE D

### INTEGRITY DECLARATION FORM

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

#### 1 DECLARATION OF INTEREST

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where. -

- 1 the tenderer/s employees/directors are also employees/contractors/consultants/ directors of Eskom
- 2 the tenderer/s employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- 3 the legal entity including its employees/contractors/ directors / shareholders /members /partners / owners on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
- 4 the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process


#### Related:

- (1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below
  - (a) an individual is related to another individual if they-
    - (i) are married, or live together in a relationship similar to a marriage, or
    - (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity

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- (b) 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 set out in subsection (2) below, and
- (c) a juristic person is related to another juristic person if-
  - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below
  - (ii) either is a subsidiary of the other, or
  - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below

"Related person", when used in reference to a directors/shareholders/members/partners/owner, has the meaning set out in 3 3 16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member


#### Control:

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
  - (a) in the case of a juristic person that is a company-
    - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act1, or
    - (ii) that first person together with any related or inter-related person, is-
      - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise, or
      - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board,
  - (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation

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- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust, or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2)

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

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

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration \_\_\_\_\_  
[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? \_\_\_\_\_  
[Yes/No]

If yes, attach proof

## 2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and 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 Eskom's procurement process (e.g. bid rigging/collusion), or
- 2 committed fraud or any other improper conduct in relation to such procurement process


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### 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned \_\_\_\_\_ [Full names and Position] \_\_\_\_\_  
hereby declare that I am the duly authorized 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 the information in the table below must be completed in full for each tenderer including incorporated JVs. If the tenderer is an unincorporated JV, the tables 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	Entity Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the /shareholders/ directors/ trustees/ beneficiaries of the shareholding entity	Identification Numbers of the shareholders/directors/ trustees/beneficiaries of the shareholding entity

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

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

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

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

### Joint Ventures

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 purposes described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and


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

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## ANNEXURE E

### CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.

#### The application of contract price adjustment (CPA) to tender submissions

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### 1. Application of CPA

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

#### 2. Tender Submissions

#### Eskom Proposed CPA breakdown for Local Goods and Service

Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	77%	Labour	TBC	SEIFSA	TBC	TBC
A2	8%	Road Freight	TBC	SEIFSA	TBC	TBC
	15%	Fixed portion not subject to CPA				
Total	100%					


**Note:** Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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## ANNEXURE F

### CPA (CPA) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

#### The application of contract price adjustment (CPA) to tender submissions

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### 1. Application of CPA

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

#### 2. Tender Submissions

#### Eskom Proposed CPA breakdown for Local Goods and Service


Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of as published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1						
A2						
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					

**Note:** Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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### **Eskom CPA Conditions/Requirements**

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender, or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal and this will be considered if deemed acceptable to Eskom,
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer, then prices will be deemed to be fixed and firm
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100
- Only official published CPA indices that are in the public domain must be used
- No in-house indices may be used for CPA
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted)
- If there are specific line items for Labour and Transport, individual Formulae might be used

**Note:** Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

### **3. BASE DATE AND BASE PRICE**

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

### **4. CPA FOR PROFESSIONAL SERVICES**

- The preferred index to be used for adjusting these agreements is the country specific CPI Headline index
- *The price adjustment factor will be effective from each contractual anniversary of the contract date. This must be the average of the country specific CPI Headline index figures published for the last twelve-month period (cycle) ending before the contract anniversary date*

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## **PAYMENT OF FOREIGN COMMITMENTS**

### **PART 1: The application of importation payment requirements to tender submissions.**

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

#### **Tenderers -**

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

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

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

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

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

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

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

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

- Commercial invoice (from the foreign supplier)


#### **Import payments.**

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

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**Any one of the following documents as per the mode of transportation: -**

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

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

**Service- related payments**

**Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier)

**Delete which is not applicable (Yes/No)**

**OR**

**Payment Method 1B:**

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

**Please note:**

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


**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

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**Import payments.**

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

**Any of the following documents as per the mode of transportation: -**

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

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

**All documents submitted to Eskom should not have any alterations.**

**The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.**

**Service-related payments**

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

**Documents to submit with payment:**

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

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


**[Delete which is not applicable (Yes/No)]**

**OR**

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### **Payment Method 2:**

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled Eskom will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms

Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier

### **Please note:**

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

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

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

### **Any of the following documents as per the mode of transportation: -**

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

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

- Local invoice or Tax invoice

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

**[Delete which is not applicable (Yes/No)**


**OR**

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

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

**Documents to submit with payment:**

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

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

[Delete which is not applicable (Yes/No )

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

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

**Take note of the following:**

**Service-related payment:**

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies:

1) **Secondment**

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


**Documents to be attached for payment:**

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

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## 2) Payroll Transfer

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

## PART 2: EXCHANGE RATES


The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank ([www.resbank.co.za](http://www.resbank.co.za)). Please note that the tenderer is required to submit proof of the SARB rate/s used.

Date of advertisement of tender:	
Closing date of tender:	
Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Date of signature:	

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## ANNEXURE G1

SBD 6 2

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

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

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

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

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

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

Where

x is the imported content in Rand

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

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

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.**

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

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

Description of services, works or goods	Stipulated minimum threshold
_____	_____ %
_____	_____ %
_____	_____ %

3 Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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


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

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

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IN RESPECT OF BID NO.

ISSUED BY (Procurement Authority / Name of Institution)

NB

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

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

- (a) The facts contained herein are within my own personal knowledge
- (b) I have satisfied myself that
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286 2011, and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286 2011, the rates of exchange indicated in paragraph 4 1 above and the information contained in Declaration D and E which has been consolidated in Declaration C


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

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

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

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

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

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

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

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

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

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

**Annexure G2- \_Local content Declaration-Summary Schedule (annex C)**



Adobe Acrobat Document

**Annexure G3 - Imports Declaration-Supporting schedule to Annex C (annex D)**



Adobe Acrobat Document

**Annexure G4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)**



Adobe Acrobat Document

## **ANNEXURE H**

**SBD 1**


### **PART A INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>			
BID NUMBER	CLOSING DATE	CLOSING TIME	
DESCRIPTION			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>			
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID</b>			

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BOX SITUATED AT (STREET ADDRESS)

<b>SUPPLIER INFORMATION</b>					
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			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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		

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TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			


## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
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
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
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
<b>7. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/></span> YES <input type="checkbox"/> NO
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/></span> YES <input type="checkbox"/> NO
<p>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.</p>	

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

## ANNEXURE I

## 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
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included)
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender)*
- a) The applicable preference point system for this tender is the 90/10 preference point system
  - b) The applicable preference point system for this tender is the 80/20 preference point system
  - c) 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
- 1.3 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
--	--------

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PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1 5 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
- 1 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

## 2. DEFINITIONS

- (a) “**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.
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts,
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes,
- (d) “**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
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000)

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3 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

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

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- 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 the table below

Full Name	Identity Number	Name of State Institution

- 2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

[YES/NO]

If so, furnish particulars

.....

- 2.3 Does the tenderer 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 they are bidding for this contract?

[YES/NO]

If so, furnish particulars


.....

### 3. DECLARATION

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I, the undersigned, (name) ..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect
- 3 3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding
- 3 4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates
- 3 5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract
- 3 6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender
- 3 7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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

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