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		<b>Effective Date</b>	February 2023		
		<b>Review Date</b>	February 2028		

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**

**THE SUPPLY AND DELIVERY OF BURNER CORNER SPARES ON AN “AS-AND-WHEN” REQUIRED BASIS AT KENDAL POWER STATION**

<b>Tender number</b>	<b>MPKEN10906GX</b>
<b>Issue date</b>	<b>13 December 2023</b>
<b>Closing date and time</b>	<b>04 March 2024 at 10h00</b>
<b>Tender validity period</b>	<b>5 months from the closing date and time</b>
<b>Clarification meeting</b>	<b>6 February 2024 at 10h00 am</b> <b>MS Teams: <a href="#">Click here to join the meeting</a></b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>Eskom Tender Box, Ground Floor</b> <b>No.10 Smuts Avenue</b> <b>WITBANK/EMALAHLENI</b> <b>Mpumalanga</b>

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Date Issued  
13 December 2023

Ref  
MPKEN10906GX

Enquiries  
Shilo Motuku  
☎+27 13 647 9188

## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for the supply and delivery of burner corner spares on an "as-and-when" required basis at Kendal Power Station.

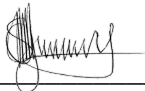
The enquiry documents are supplied to you on the following basis:

1. Free of charge

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

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

Yours faithfully



Andrew Motsuki  
Procurement Manager  
Kendal Power Station

Date: 13/12/2023

Group Commercial  
Procurement Department  
Kendal Power Station (Near Ogies, Junction 507 N12 East  
Balmoral/Kendal Off-ramp)  
Private Bag X7272 Witbank 1035 SA  
Tel +27 13 647 6816 Fax +27 13 647 9190 [www.eskom.co.za](http://www.eskom.co.za)  
**Eskom Holdings SOC Ltd Reg No 2002/015527/30**

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

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

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: Shilo Motuku  Tel: 013 647 9188  E-mail: <a href="mailto:shilo.motuku@eskom.co.za">shilo.motuku@eskom.co.za</a></p>
1.3 Enquiry documents	<p>The Invitation to tender number is : <b>MPKEN10906GX</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> <li>An open Invitation to tender</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p> <p>Multiple contracts may be awarded to multiple suppliers, subject to the responses received and outcome of the negotiations.  Basically the contract might be split amongst the tenderer.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if</p> <ol style="list-style-type: none"> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li> <li>Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally</li> </ol>

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	<p>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. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if :</p> <ol style="list-style-type: none"> <li>1. (a) they have a controlling partner/majority shareholder in common; or</li> <li>2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ol> <p>5. Tenders signed by non- authorized persons</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p><b>Ineligible tenderers will be disqualified.</b></p>
<p>2.2 -2.5 Tender Closing</p>	<p>The deadline for <b>Tender</b> submission is :  Date: <b>04 March 2024</b>  Time: <b>10h00 am</b></p> <ul style="list-style-type: none"> <li>• <b>Faxed and e-mailed tenders will not be considered for evaluation</b></li> </ul> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE  Eskom Tender Box, Ground Floor  No.10 Smuts Avenue  WITBANK/EMALAHLENI  Mpumalanga</b></p> <p><b>The envelope/file/package should be marked as follow:  Shilo Motuku  Kendal Power Station  Enquiry No. MPKEN10906GX</b></p>

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2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. It is the tenderer's responsibility to ensure that the copy is 100% identical to the original, and Eskom will not accept any liability if it bases its evaluation on an incomplete copy provided by the tenderer.</p> <p>Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 5 (five) months
2.16 Site/clarification meetings	<p>A <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:  Date: <b>6 February 2024</b>  Time: <b>10h00 am</b>  Venue: <b>MS Teams - <a href="#">Click here to join the meeting</a></b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name of the company, attendee, position and contact details of each proposed attendee.</p> <p>Please note that attendance of the clarification meeting is not compulsory. Although the meeting is not compulsory suppliers are advised to attend to have a better and fully understanding of Eskom requirements. Suppliers who do not attend the compulsory meeting will still be allowed to tender.</p> <p>The Enquiry Number <b>MPKEN10906GX</b> documents (Invitation to Tender and NEC3 documents) will be discussed and clarified, please go through these documents prior attendance of the Clarification meeting.</p> <p>Please re-visit the websites regularly to confirm if there are any amendments made in the Enquiry Documents.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5 (five)</b> working days before the first deadline for tender submission which is 04/03/2024.
2.23 Alternative tenders	<p>Alternative tenders are <b>not allowed</b>.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ol style="list-style-type: none"> <li>1. A different completion date.</li> <li>2. A different payment method.</li> <li>3. Different technical methods and specifications</li> </ol>

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	A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract				
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.				
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline;				
3.5 Prices to be read out	Prices will <b>not be read out</b> .				
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria for a tenderer</li> <li>2. Submit one (1) hard copy of the original tender to Eskom</li> <li>3. Submit a complete original tender with commercial, financial and technical information</li> <li>4. Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>5. Central Supplier Database (CSD) number (MAA.....)</li> </ol>				
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.				
3.13 Functionality requirements	<p>Functionality requirements</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1" data-bbox="624 1196 1522 1805"> <thead> <tr> <th>Criteria</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td> <b>1. Company Experience and Capacity</b>   <b>1.1 Proof of company welding fabrication experience and casting experience:</b>             Provide signed contract for supply of any listed components on the Scope or similar, weld fabrication work or/and casting work completed or Eskom purchase order documents for any listed components on the Scope, weld fabrication work or casting work.             - Both Supply of any component on the scope or similar, welding fabrication and casting relevant Experience proof = <b>10</b>            - Weld fabrication or casting relevant proof = <b>5</b>            - Supply of any listed Components on the scope or similar only = <b>4</b>            - No proof or irrelevant proof provided= <b>0</b> </td> <td style="text-align: center;"><b>10%</b></td> </tr> </tbody> </table>	Criteria	Weight	<b>1. Company Experience and Capacity</b>  <b>1.1 Proof of company welding fabrication experience and casting experience:</b>  Provide signed contract for supply of any listed components on the Scope or similar, weld fabrication work or/and casting work completed or Eskom purchase order documents for any listed components on the Scope, weld fabrication work or casting work.  - Both Supply of any component on the scope or similar, welding fabrication and casting relevant Experience proof = <b>10</b> - Weld fabrication or casting relevant proof = <b>5</b> - Supply of any listed Components on the scope or similar only = <b>4</b> - No proof or irrelevant proof provided= <b>0</b>	<b>10%</b>
Criteria	Weight				
<b>1. Company Experience and Capacity</b>  <b>1.1 Proof of company welding fabrication experience and casting experience:</b>  Provide signed contract for supply of any listed components on the Scope or similar, weld fabrication work or/and casting work completed or Eskom purchase order documents for any listed components on the Scope, weld fabrication work or casting work.  - Both Supply of any component on the scope or similar, welding fabrication and casting relevant Experience proof = <b>10</b> - Weld fabrication or casting relevant proof = <b>5</b> - Supply of any listed Components on the scope or similar only = <b>4</b> - No proof or irrelevant proof provided= <b>0</b>	<b>10%</b>				

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	<p><b>2. Company Capability</b></p> <p><b>2.1 Welding Procedure and qualifications – 10%:</b> Provide welding procedure relevant to the coal nozzle drawing number 0.64/36544 coal nozzle and qualifications of the involved welder.</p> <ul style="list-style-type: none"> <li>- Welding procedure with valid certified copy of welder trade test qualification = <b>10</b></li> <li>- Welding procedure only. = <b>5</b></li> <li>- Valid certified copy of welder trade test qualification only = <b>5</b></li> <li>- No welding procedure and welder qualification provided. = <b>0</b></li> </ul> <p><b>2.2 Detailed explanation of a square to round casting process in a form of a Method statement – 20%:</b></p> <ul style="list-style-type: none"> <li>- Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation with quality management consideration. = <b>20</b></li> <li>- Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation only. = <b>10</b></li> <li>- Detailed method statement that outlines the technical know-how of the square to round pattern development with quality consideration only. = <b>5</b></li> <li>- No method statement or a method statement that is not relevant to the scope and lack technical details. = <b>0</b></li> </ul> <p><b>2.3 Welding quality certification – 10%:</b></p> <ul style="list-style-type: none"> <li>- Provided ISO 3834 certificate = <b>10</b></li> <li>- ISO 3834 certificate not provided = <b>0</b></li> </ul> <p><b>2.4 Manufacturing and Delivery program for 40 coal nozzles, 40 square to round and 40 aux air nozzles – 10%:</b></p> <ul style="list-style-type: none"> <li>- Manufacturing and delivery program which is less than 1 month = <b>10</b></li> <li>- Manufacturing and delivery program which is less than 2 month = <b>5</b></li> <li>- Manufacturing and delivery program which is more than 2 months = <b>0</b></li> </ul>	<b>50%</b>
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	<b>3. Documentation</b> <b>3.1 QCP</b> <ul style="list-style-type: none"> <li>- Comprehensive QCP/QIP that is according to the supplier's square to round casting process and welding fabrication processes for coal nozzles and oil nozzles with acceptance section intervention points such as Hold, etc = <b>20</b></li> <li>- QCP/QIP that is according to according to the supplier's casting process but doesn't have intervention points such as Hold, etc = <b>10</b></li> <li>- QCP/QIP that has no casting and welding fabrication process = <b>0</b></li> </ul>	<b>20%</b>
	<b>4. Workshop visit</b> <ul style="list-style-type: none"> <li>- Equipment (casting pattern for any previous project with drawings, furnace, and molten metal pot, operational 1 ton or greater overhead crane rated at a load), furnace and metal testing equipment = <b>20</b></li> <li>- Casting equipment (casting pattern for any previous project with drawings, furnace, operational 1 ton or greater overhead crane rated) only = <b>16</b></li> <li>- Casting equipment (furnace, operational 1 ton or greater overhead crane rated) and metal testing equipment = <b>8</b></li> <li>- No casting equipment = <b>0</b></li> </ul> <p><b>NB: Workshop visit will only be done if the tenderer got at least 60% out of 80%</b></p>	<b>20%</b>
	<b>Threshold</b>	<b>80%</b>


Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further

3.15 Evaluation of price	Prices will be evaluated as follows: <ol style="list-style-type: none"> <li>1. Inclusive of VAT</li> <li>2. Making the specified correction for arithmetical errors</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule.</li> <li>4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> </ol>
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	<ol style="list-style-type: none"> <li>Unconditional discounts must be taken into account for evaluation purposes;</li> <li>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 or 90 points</p>
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20)</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>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <p>either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria (if applicable)	Objective criteria <b>are not applicable.</b>
3.20 Reverse e-auction (if applicable)	Reverse e-auction <b>is not applicable.</b>
Contractual Requirements (if applicable )	<p>Contractual Requirements may include the following :</p> <ol style="list-style-type: none"> <li>SHEQ requirements; and/or</li> <li>Financial statements</li> </ol> <p><b>Please Note:</b>  <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</b></p>

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	<p><b>criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</b></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>
2.25 Contractual Condition	<p>The conditions of contract will be the <b>NEC3 SC3</b></p> <p>The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report ) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)</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 Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013)</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <b>are not applicable</b>

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**Please note:**

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

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

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

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

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

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


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

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

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### 1.3 TENDER RETURNABLES

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

**NOTE:**

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	<ul style="list-style-type: none"> <li>One (1) hard copy of the tender, plus one (1) hard copy of the original tender</li> <li>CSD Report/Number</li> <li>Complete original tender with commercial, financial and technical information</li> </ul>	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	

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<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)		✓	
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)		✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
<b># Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
<b>Annexure I</b>	SBD 4 – Bidders Disclosure		✓	
<b>Additional Documents required in event of JV: -</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓		
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.		✓	
	<b># proof of compliance to the stipulated Specific goals.</b>		✓	
	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.			✓
<b># Specific Goals</b>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.			✓
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓	
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment		✓	

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	Equity report to the Department of Labour. (South African tenderers only)			
<b>NEC/FIDIC Documentation</b>	Completed NEC pricing schedule and contract data.	✓		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))</b>	<ul style="list-style-type: none"> <li>Non-Disclosure Agreement</li> <li>Annexure L – Authority to Submit a Tender (returnable schedule)</li> </ul>		✓	
	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓	
<b>Other safety documents as required per scope of works</b>	<ul style="list-style-type: none"> <li>SHE Specification</li> <li>Baseline risk assessment</li> <li>Annexure B</li> <li>C2 Medium risk Evaluation form</li> <li>Consolidated COVID 19 ( Workplace Health &amp; Safety direction)</li> <li>Contractor Health &amp; Safety Requirements</li> </ul>		✓	
<b>Quality</b>	<p><b>Category 2</b></p> <p>The supplier shall complete and sign Form A (Enquiry/Contract/Quality Requirements for Supplier Quality Management Specification 240-105658000/ QM 58 and ISO 9001).</p> <p>The supplier shall submit objective evidence of a developed, implemented and maintained QMS that complies with ISO 9001:2015 (the latest applicable revision).</p> <p>The following documents (approved/ signed copies) shall be submitted:</p> <ul style="list-style-type: none"> <li>Quality Management System manual or a documented information that have defines and describes the QMS and its scope</li> <li>Quality Policy, aligned with the supplier’s strategic direction (documented information)</li> <li>Quality Objectives (documented information)</li> </ul>		✓	

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	<ul style="list-style-type: none"> <li>▪ Control of documented information (both maintain and retain documented information )</li> <li>▪ Internal audit procedure (documented information)</li> <li>▪ Control of nonconforming outputs (documented information)</li> <li>▪ Nonconformity and Corrective action procedure (documented information)</li> <li>▪ The supplier shall submit the latest copy of the management system internal audit reports. The audit reports must include, if applicable, nonconformity identified, and the resulting remedial actions (correction and/ or corrective action reports).</li> <li>▪ The supplier shall submit a draft contract quality plan that is specific to the scope of work as described in the tender documents. The plan must address the minimum requirements as per ISO 10005.</li> <li>▪ Where applicable; the supplier shall submit an example of inspection and test plan (ITP) or quality control plan (QCP) on similar or previous work done.</li> <li>▪ The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services.</li> <li>▪ The supplier shall submit a copy of documented information for roles, responsibilities and authorities in relation to the QMS. Examples of relevant documented information are; organization charts, job descriptions, work instructions, duty statements, manuals, procedures.</li> <li>▪ The supplier shall submit documented information retained (records) of management review meetings that include agenda, meeting minutes, attendance registers, reports, presentations, etc.</li> </ul>			
<b>Environmental</b>	<ul style="list-style-type: none"> <li>▪ Environmental Policy in teams of ISO 14001:2015 Environmental Management System, the Environmental (or SHE/SHEQ) Policy must be signed by company Owner/CEO/MD: Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.</li> <li>▪ A detailed signed Contractor's Environmental Management Plan (EMP) pertaining to site specific activities,</li> <li>▪ Environmental Risk Assessment including Aspects, Impacts and Control (mitigation measures) "Aspect and Impact Register".</li> <li>▪ Emergency preparedness plans (eg oil/chemical spills, disasters, etc) The contractor must provide protocols to</li> </ul>		✓	

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	<p>be followed, and contingencies to be put in place for the any potential incident.</p> <ul style="list-style-type: none"> <li>Waste Management plan/programme detailing how will the waste be stored, disposed, avoid littering and mixing of waste and commit to keep the site clean.</li> </ul>			
<b>Due Diligence</b>	<p>Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.</p>			✓
	<p><b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b></p>			
<p>Technical (required for functionality scoring)</p>	<p><b>1. Company Experience and Capacity</b></p> <p><b>1.1 Proof of company welding fabrication experience and casting experience:</b></p> <p>Provide signed contract for supply of any listed components on the Scope or similar, weld fabrication work or/and casting work completed or Eskom purchase order documents for any listed components on the Scope, weld fabrication work or casting work.</p> <ul style="list-style-type: none"> <li>- Both Supply of any component on the scope or similar, welding fabrication and casting relevant Experience proof = <b>10</b></li> <li>- Weld fabrication or casting relevant proof = <b>5</b></li> <li>- Supply of any listed Components on the scope or similar only = <b>4</b></li> <li>- No proof or irrelevant proof provided= <b>0</b></li> </ul>	✓		
	<p><b>2. Company Capability</b></p> <p><b>2.1 Welding Procedure and qualifications – 10%:</b> Provide welding procedure relevant to the coal nozzle drawing number 0.64/36544 coal nozzle and qualifications of the involved welder.</p>	✓		

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	<ul style="list-style-type: none"> <li>- Welding procedure with valid certified copy of welder trade test qualification = <b>10</b></li> <li>- Welding procedure only. = <b>5</b></li> <li>- Valid certified copy of welder trade test qualification only = <b>5</b></li> <li>- No welding procedure and welder qualification provided. = <b>0</b></li> </ul> <p><b>2.2 Detailed explanation of a square to round casting process in a form of a Method statement – 20%:</b></p> <ul style="list-style-type: none"> <li>- Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation with quality management consideration. = <b>20</b></li> <li>- Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation only. = <b>10</b></li> <li>- Detailed method statement that outlines the technical know-how of the square to round pattern development with quality consideration only. = <b>5</b></li> <li>- No method statement or a method statement that is not relevant to the scope and lack technical details. = <b>0</b></li> </ul> <p><b>2.3 Welding quality certification – 10%:</b></p> <ul style="list-style-type: none"> <li>- Provided ISO 3834 certificate = <b>10</b></li> <li>- ISO 3834 certificate not provided = <b>0</b></li> </ul> <p><b>2.4 Manufacturing and Delivery program for 40 coal nozzles, 40 square to round and 40 aux air nozzles – 10%:</b></p> <ul style="list-style-type: none"> <li>- Manufacturing and delivery program which is less than 1 month = <b>10</b></li> <li>- Manufacturing and delivery program which is less than 2 month = <b>5</b></li> <li>- Manufacturing and delivery program which is more than 2 months = <b>0</b></li> </ul>				
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	<p><b>3. <u>Documentation</u></b></p> <p><b>3.1 QCP</b></p> <ul style="list-style-type: none"> <li>- Comprehensive QCP/QIP that is according to the supplier's square to round casting process and welding fabrication processes for coal nozzles and oil nozzles with acceptance section intervention points such as Hold, etc = <b>20</b></li> <li>- QCP/QIP that is according to according to the supplier's casting process but doesn't have intervention points such as Hold, etc = <b>10</b></li> <li>- QCP/QIP that has no casting and welding fabrication process = <b>0</b></li> </ul>	✓		
	<p><b>4. <u>Workshop visit</u></b></p> <ul style="list-style-type: none"> <li>- Equipment (casting pattern for any previous project with drawings, furnace, and molten metal pot, operational 1 ton or greater overhead crane rated at a load), furnace and metal testing equipment = <b>20</b></li> <li>- Casting equipment (casting pattern for any previous project with drawings, furnace, operational 1 ton or greater overhead crane rated) only = <b>16</b></li> <li>- Casting equipment (furnace, operational 1 ton or greater overhead crane rated) and metal testing equipment = <b>8</b></li> <li>- No casting equipment = <b>0</b></li> </ul> <p><b>NB: Workshop visit will only be done if the tenderer got at least 60% out of 80%</b></p>	✓		

#### 1.4 BASIC COMPLIANCE


Before evaluation process can commence basic compliance of tenders will be done:

- Complete original tender, plus one (1) hard copy of the original tender.
- Submit a complete tender with commercial, financial and technical information
- SCD Report or Number

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## 1.5 EVALUATION PROCESS AND CRITERIA

### 1.5.1 - Stage 1: Functionality - Technical Criteria:


#### Qualitative Technical Evaluation Criteria:

Technical Criteria	Weight
<b>1. Company Experience and Capacity</b>  <b>1.1 Proof of company welding fabrication experience and casting experience:</b>  Provide signed contract for supply of any listed components on the Scope or similar, weld fabrication work or/and casting work completed or Eskom purchase order documents for any listed components on the Scope, weld fabrication work or casting work.  - Both Supply of any component on the scope or similar, welding fabrication and casting relevant Experience proof = <b>10</b> - Weld fabrication or casting relevant proof = <b>5</b> - Supply of any listed Components on the scope or similar only = <b>4</b> - No proof or irrelevant proof provided= <b>0</b>	<b>10%</b>
<b>2. Company Capability</b>  <b>2.1 Welding Procedure and qualifications – 10%:</b>  Provide welding procedure relevant to the coal nozzle drawing number 0.64/36544 coal nozzle and qualifications of the involved welder.  - Welding procedure with valid certified copy of welder trade test qualification = <b>10</b> - Welding procedure only. = <b>5</b> - Valid certified copy of welder trade test qualification only = <b>5</b> - No welding procedure and welder qualification provided. = <b>0</b>  <b>2.2 Detailed explanation of a square to round casting process in a form of a Method statement – 20%:</b>  - Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation with quality management consideration. = <b>20</b> - Detailed method statement that outlines the technical know-how of the coal nozzle and oil nozzle fabrication process, square to round pattern development, sand casting processes, handling methodology and stacking methodology for transportation only. = <b>10</b> - Detailed method statement that outlines the technical know-how of the square to round pattern development with quality consideration only. = <b>5</b> - No method statement or a method statement that is not relevant to the scope and lack technical details. = <b>0</b>  <b>2.3 Welding quality certification – 10%:</b>  - Provided ISO 3834 certificate = <b>10</b> - ISO 3834 certificate not provided = <b>0</b>	<b>50%</b>

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<b>2.4 Manufacturing and Delivery program for 40 coal nozzles, 40 square to round and 40 aux air nozzles – 10%:</b>  - Manufacturing and delivery program which is less than 1 month = <b>10</b> - Manufacturing and delivery program which is less than 2 month = <b>5</b> - Manufacturing and delivery program which is more than 2 months = <b>0</b>	
<b>3. Documentation</b>  <b>3.1 QCP</b>  - Comprehensive QCP/QIP that is according to the supplier's square to round casting process and welding fabrication processes for coal nozzles and oil nozzles with acceptance section intervention points such as Hold, etc = <b>20</b> - QCP/QIP that is according to according to the supplier's casting process but doesn't have intervention points such as Hold, etc = <b>10</b> - QCP/QIP that has no casting and welding fabrication process = <b>0</b>	<b>20%</b>
<b>4. Workshop visit</b>  - Equipment (casting pattern for any previous project with drawings, furnace, and molten metal pot, operational 1 ton or greater overhead crane rated at a load), furnace and metal testing equipment = <b>20</b> - Casting equipment (casting pattern for any previous project with drawings, furnace, operational 1 ton or greater overhead crane rated) only = <b>16</b> - Casting equipment (furnace, operational 1 ton or greater overhead crane rated) and metal testing equipment = <b>8</b> - No casting equipment = <b>0</b>  <b>NB: Workshop visit will only be done if the tenderer got at least 60% out of 80%</b>	<b>20%</b>
<b>Total</b>	<b>100%</b>
<b>Minimum Threshold</b>	<b>80%</b>

**Tenderers who do not meet the minimum threshold for functionality scoring will be disqualified and not be evaluated further.**

**1.5.2 Stage 2 – Mandatory Commercial Requirements:**

- Suppliers are not, under any circumstances, to deviate from the required stipulated format for the provision of pricing.

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### **1.5.3 Stage 3 - PPPFA Based on 80/20 or 90/10 Principle:**

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

**80/20**

**or**

**90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

### **Calculation of Points for B-BBEE Status Level of Contributor**

Tenderers are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids to substantiate the B-BBEE claims.

**Tenderers who do not submit B-BBEE Status Level Verification Certificates or non-compliant contributors to B-BBEE will not qualify for preference points for B-BBEE however will not be disqualified from the tender process. Such a tenderer will score points out of 90 for price and points out of 10 for B-BBEE.**

### **1.5.4 Stage 4 – Contractual Obligation (SHEQ), SDL & I and Commercial:**

1.5.3.1 Health and Safety Requirements

1.5.3.2 Quality Requirements

1.5.3.3 Environmental Requirements

1.5.3.4 Commercial Requirements

1.5.3.5 **Supplier Development, Localisation and Industrialisation (SDL & I) Undertaking**


#### **Section 1: Specific Goals**

A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

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

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

**Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'**

- May only score point out of 90/80 for price
- Scores 0 points out of 10/20 for specific goals

## **Section 2: Objective criteria**

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.

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## 2.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?

<b>YES</b>	<b>NO</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
N/A	N/A	N/A

**NOTE:** SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory** and must be tender returnables if applicable.

NOTE 2: Application for exemptions:

If the required input materials cannot be wholly sourced from South Africa, bidders should request and obtain a written exemption letter from the DTIC. The exemption letter should then be submitted, and approvals obtained prior to the closure of the bid(s). The DTIC together with the procuring organ of state and the winning bidder will consider the exemption on a case-by-case basis.

### National Industrial Participation Programme

Eskom will implement the NIPP requirement, which determines that the contractor/supplier must contact the Department of Trade, Industry and Competition (dtic) to arrange for support and development of local businesses. Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more.

The following narrative must be captured in all tenders that have import/foreign content equal to or in excess of USD 5 million:

“NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilising the instrument of government procurement. The NIPP programme is mandatory for all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding USD 5 million.

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“The programme targets South African and foreign industries, enterprises, and suppliers of goods and services to government/parastatals, where the imported content of such goods and services equals to or exceeds USD 5 million. The first customer of NIPP is the South African industry that benefits through the NIPP business plans, which, when implemented, generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, R&D, and technology transfer.

“Companies with an NIPP obligation must sign this obligation agreement with the Department of Trade, Industry and Competition (dtic) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the dtic and the supplier. It defines the NIPP obligation value(s), requirements to fulfil the NIPP obligation, performance milestones, performance monitoring processes, and the NIPP credit allocation criteria.

“All tenders with an import content that is equal to or exceeds the threshold of USD 5 million compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the dtic before signing the contract with Eskom.”.

### **Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals**

Tenderers who complete and submit the objectives as required, but who do not meet Eskom’s targets, will not be disqualified. SDL&I objectives do not form part of scoring but commitments will form part of contractual obligations

#### **1. Transformation – BBBEE Improvement or Retention Plan**

Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.

Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.

Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.

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Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract.

Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract.

**NB:** A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate

## 2. Local Procurement Content

"Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component.

Tenderers are required to submit their proposals in the table below.

Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

## 3. Subcontracting Requirement

Tenderers shall subcontract a minimum of 5% of the contract value to the following designated groups **if feasible:**

- an EME or QSE which is 51% or more black ownership

The winning tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:

- the indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups; and
- direct spend on goods and services supplied by the subcontractors for the execution of the scope of works


Transportation

PPE

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Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below:

Procurement from Designated Group	Eskom Target	Tenderer Proposal
Black Owned (QSE/EME)	5.0%	

#### 4. Jobs if applicable

Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

Type of Jobs to be created	Number of Jobs to be created

Type of Jobs to be retained	Number of Jobs to be retained

#### Section 4: SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.


For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon:

- Eskom receives the SDL&I progress report/s from the contractor.
- Fulfilment of all SDL&I obligations by the contractor.
- Submission of an approved compliance report by SDL&I Department.

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## Section 5: 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 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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**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:

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**Cataloguing Acknowledgement:**

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

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

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

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Invitation to Tender/Request for Proposal No: \_\_\_\_\_

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

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

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

Contact details of contact person:

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

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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	

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

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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8.1 Confirm if you intend sub-contracting

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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**1. Single tenderers**

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

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

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

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

**2. Joint Ventures**

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


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

<b>Legal Name of Joint Venture Member</b>	<b>Full Name and Capacity of Authorised Signatory</b>	<b>Signature</b>

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

#### **DECLARATION OF INTEREST**

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

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

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

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering 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;

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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 a State/State owned entity employee/contractor/ director.	Full Names & Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

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

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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


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

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

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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
1.4	<p>Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		
1.5	<p><i>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?</i></p>		

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### 3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage

#### Other Entities\*:

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

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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 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.

<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

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**Joint Ventures**

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

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

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

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


<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

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

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## **ANNEXURE D**

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

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

*This Section will not be applicable to professional services contract*

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

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

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

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

**Failure to do so may result in the supplier's offer(s) being disqualified.**

##### **b. Additional/Alternative offer:**

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:


1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However, it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

1. The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 3. NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

### 4. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

### 5. BASE DATE

1. In instances of indices or other references published monthly, the Base Date is to be:  
*The month before the month in which the Enquiry closes*
2. In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:  
*The average for the month before the month in which the Enquiry closes*
1. In this case, the following shall apply:
  1. Where the average is published:  
*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*
  2. Where a high, low and mean are published:  
*The mean*

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3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

*The Cash Settlement or Cash Sellers Price*

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

### 3. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.


No fixed portion is mandatory.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

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**Table 1: Preferred Local Index List** -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> 4. Final Manufacture d Goods  Or 5. Intermediate Manufacture d Goods OR 6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	<b>Zinc</b> SEIFSA, F, zinc			
	<b>Lead</b> SEIFSA ,F, lead			

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**Table 2: Preferred Foreign Index List**


Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline)  National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			

Closing date of tender _____ / _____ / _____  TENDERER'S SIGNATURE _____
--

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**ANNEXURE G**

**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:	MPKEN10906GX	CLOSING DATE:	04 March 2024	CLOSING TIME:	10H00
DESCRIPTION	THE SUPPLY AND DELIVERY OF BURNER CORNER SPARES ON AN "AS-AND-WHEN" REQUIRED BASIS AT KENDAL POWER STATION				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

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


ESKOM TENDER BOX, GROUND FLOOR
NO.10 SMUTS AVENUE
WITBANK/EMALAHLENI
MPUMALANGA

<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:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<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>					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b> .....		<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	ESKOM	CONTACT PERSON	MANDLA MAKHUYELE
CONTACT PERSON	SHILO MOTUKU	TELEPHONE NUMBER	+27 15 299 0274
TELEPHONE NUMBER	+27 13 647 9188	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	MAKHUVMG@ESKOM.CO.ZA
E-MAIL ADDRESS	SHILO.MOTUKU@ESKOM.CO.ZA		

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## PART B TERMS AND CONDITIONS FOR BIDDING


<b>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.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
3.	<b>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.</b>
4.	<b>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.</b>
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>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>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"/> YES <input type="checkbox"/> NO</span>
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"/> YES <input type="checkbox"/> NO</span>
<b>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.</b>	

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

#### 1. To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

1. The applicable preference point system for this tender is the **90/10** preference point system.
2. The applicable preference point system for this tender is the **80/20** preference point system.
3. Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
  1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
    1. Price; and
    2. Specific Goals.

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1. **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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

3. **DEFINITIONS**

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

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**6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

**1. POINTS AWARDED FOR PRICE**

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

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

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

Where

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

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

**1. POINTS AWARDED FOR PRICE**

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

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

Where

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

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## 7. POINTS AWARDED FOR SPECIFIC GOALS

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

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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 either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

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

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

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**DECLARATION WITH REGARD TO COMPANY/FIRM**

1. Name of company/firm.....
2. Company registration number: .....

3. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
  - One-person business/sole propriety
  - Close corporation
  - Public Company
  - Personal Liability Company
  - (Pty) Limited
  - Non-Profit Company
  - State Owned Company
- [TICK APPLICABLE BOX]


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

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  1. disqualify the person from the tendering process;
  2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any

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- organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- forward the matter for criminal prosecution, if deemed necessary.

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

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**Annexure I**

**SBD 4**

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....  
 .....

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

1. If so, furnish particulars:

.....  
 .....

**3. DECLARATION**

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

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

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


3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

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

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

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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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