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

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


Provision of Commuter Transport Services between Matla Power Station, Kriel and Thubelihle areas for normal day workers, scheduled shift workers, unscheduled shift workers, and unplanned trips as and when required for a period of 5 year

Tender number	MPMAT10931GX
Issue date	02 November 2023
Closing date and time	13 December 2023
Tender validity period	180 days from the closing date and time
Clarification meeting	16 November 2023
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>Eskom Tender Box, Ground Floor No.10 Smuts Avenue Witbank/ Emalahleni Mpumalanga</p> <p>GPS CO-ORDINATES LATITUDE: 25.87723S LONGITUDE: 29.21629E</p>

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1.1 The following documents listed hereunder are attached to this enquiry **[Annexures that are mandatory for all tenders as indicated by (*) hereunder are attached and must not be removed. Other annexures must only be included/attached where they are applicable]**

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

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		al.eskom.co.za/Pages/Default.aspx	
1 1 12	Reverse e-auction process (if applicable)	[To be uploaded from Sharepoint] https://commercial.eskom.co.za/Pages/Default.aspx	N/A
1 1 13	Contract Skills Development Goals (CSDG) [if applicable]	To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)	Y
1 1 14	Contract Participation Goals (CPG) [if applicable]	To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit, Project Interim Report, Project Completion Report and Declaration)	Y

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is Name Germinah Mahlangu Tel 017 612 6966 E-mail Mahlangm@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is MPMAT10931GX</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> <ul style="list-style-type: none"> An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the eligibility criteria stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies</p> <p>Tenderers are deemed ineligible to submit a [tender/proposal] if</p> <ol style="list-style-type: none"> Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium.

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permits/licenses/ specific registration documents (if applicable to scope of work)				
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (Coid) or a licensed compensation insurer (South African tenderers only)			✓
Quality	Documents that may be required per scope of work			✓
Other safety/quality documents as required per scope of works				✓
Environmental	Documents that may be required as per scope of work			✓
Due Diligence	Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available			N/A
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	See attached technical evaluation criteria The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 80% .	✓		

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- 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: 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. **BBBEE requirements:** All tenderers are required at a minimum maintain their BBBEE status throughout the contract period

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. **Jobs.** 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

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SECTION B (ESKOM)	CLAUSE 4	(*Select Only Applicable Category). NB. Not more than one category must be selected. Also indicate whether site assessment is applicable			
		Category 1 (refer to clause 4 1.1 of 240-105658000)			-
		Category 2 (refer to clause 4 1 2 of 240-105658000)			-
		Category 3 (refer to clause 4 1 3 of 240-105658000)			-
		Category 4 (refer to clause 4 1 4 of 240-105658000)			X
		Supplier and Sub-supplier Site Assessment (refer to clause 4 2 of 240-105658000)			-
	CLAUSE 5	POST-CONTRACT AWARD			
		Contract Execution (refer to clause 5 1 of 240-105658000)			X
		Supplier Quality Performance Monitoring Phase (refer to clause 5 2 of 240-105658000)			X
	CLAUSE 6	STANDARD CONDITIONS			
Eskom Rights of Access (refer to clause 6 1 of 240-105658000)			X		
Eskom Rights to Information (refer to clause 6 2 of 240-105658000)			X		
Preservation and Storage (refer to clause 6 3 of 240-105658000)			X		
Supplier Quality Audits (refer to clause 6.4 of 240-105658000)			X		
Nonconformities and Nonconforming Outputs Identified by Eskom (refer to clause 6 5 of 240-105658000)			X		
Special Processes (refer to clause 6 6 of 240-105658000)			X		
CLAUSES OF ISO 9001 STANDARD		CLAUSE DESCRIPTION		INDICATE WITH AN (X) AS APPLICABLE OR OTHERWISE	
SECTION C (ESKOM)	CLAUSE 4	Context of the Organisation		X	
	CLAUSE 5	Leadership		X	
	CLAUSE 6	Planning		X	
	CLAUSE 7	Support		X	
	CLAUSE 8	Operation		X	
	CLAUSE 9	Performance Evaluations		X	
	CLAUSE 10	Improvement		X	
SECTION D	ESKOM'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE
SECTION E	TENDERER'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE


NB The tenderer must complete and sign this form to acknowledge and accept Eskom Supplier Quality Requirements as per 240-105658000 Specification and ISO 9001 Standard


	Unique Identifier	240-12248652
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 Eskom	Supplier Quality Management: List of Tender Returnables Documents		
		Revision	2
		Effective Date	2018/10/26
		Specification	QM 58
Category 4: Quality Requirements		Deliverables to be evaluated indicator = 1	Weights
SECTION A : Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001			40%
		Apply (Yes=1)	
A 1 Quality Method statement based on scope.		1	
A.2 Quality Policy Approved by top management.		1	
A.3 Quality Objectives Approved by top management.		1	
Section A Score		3	

SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)		
	Apply (Yes=1)	40%
B 1 Documented information for defined roles, responsibilities and authorities	1	
B.2 Documented information for Control of Externally Provided Processes, Products and Services	1	
Section B Score	2	


SECTION C: User defined additional Requirements & miscellaneous (Ref QM-58) Customer specific requirements & other standards and required can be listed and evaluated here		
	Apply (Yes=1)	20%
C.1 Form A is completed and signed.	1	
C.2 Add other requirements (if applicable) as per the scope of work and/ or specification	1	
Section C Score	2	

ENVIRONMENTAL

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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 ☐

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

Invitation to Tender/Request for Proposal No _____

Name of company/JV _____

Country of registration _____

Name of contact person _____

Contact details of contact person

Tel (landline)	
Cell phone	
e-mail address	

ANNEXURE B

TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:


Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):

Individual tenderer

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

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

8 If sub-contracting is prescribed in the specific enquiry, you need to complete 8 1- 8 7

8 1 Confirm if you intend sub-contracting

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

8 2 What percentage will you be sub-contracting? _____%

8 3 To whom do you intend sub-contracting? _____

8 4 Is the said sub-contractor registered on CSD?

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

8 5 If yes to 8 4, please provide CSD number _____

8 4 Please confirm B-BBEE level of said sub-contractor _____


8 5 Which designated group does the sub-contractor belong to -

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

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- g) A cooperative which is at least 51% owned by black people,
- h) An EME or QSE which is at least 51% owned by black people who are military veterans, or
- i) More than one of the categories referred to in paragraphs (a) to (h)

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

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

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

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

1. Single tenderers

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

Signature _____

Designation _____

Date _____

2. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender/ returnable or as part of contract modification documentation)

1. 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 -

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- 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 -
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage,
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity,
 - 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
- 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"
- 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,

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that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process,

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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


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

- abused the institution's procurement process (e g bid rigging/collusion)
- 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	No
1 1	<p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za)</p>		
1 2	<p>Is the <i>tenderer/s(or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za)</p>		
1 3	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1 3 1	Provide details		

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1 4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1 5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

I, the undersigned, _____ 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)

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

I, the undersigned, _____ 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)


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 this declaration prove to be false.

Signature:	
Designation and capacity in which signing :	

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

- A fixed priced offer in addition to the fully CPA compliant main offer, or
- 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

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

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.

- 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
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

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

CPA FIXED PORTION

A minimum of 10% of the total agreement value is to be fixed when a CPA formula applies, except in the case of professional services or consulting agreements


BASE DATE

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

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- Where the average is published

The average published price in the currency Eskom will be exposed to e.g The currency in which Eskom will effect payment

- Where a high, low and mean are published

The mean

- Where other prices than the Cash Settlement or Cash Sellers Price are published

The Cash Settlement or Cash Sellers Price

- Where applicable, these principles, must also apply for the CPA "cut-off" date

CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory

Signed

Date

Name

Position

Tenderer


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

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142 1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)

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Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		StasSA, PO142 1), PPI 1 Final Manufactured Goods 2 Or Intermediate Manufactured Goods OR 3 SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Aluminium SEIFSA, R, aluminium			
	Zinc SEIFSA, F, zinc	Building and construction material SEIFSA, G, building and construction material		
	Lead SEIFSA, F, lead			


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			
	LME, zinc	National Statistical		

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	LME, lead	Institute, Country-specific building and construction material		
--	-----------	--	--	--

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

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

Please note that the contracting party must be the direct importer of the goods

Applicable (Y / N)

Payment Method 1B,

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


Please note

- 1 The contracting party must be the direct importer

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- 2 For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax
invoice
- 3 The foreign currency values on both the commercial and local invoice must be the same Eskom
will not pay any profit in foreign currency
- 4 Service related payments are excluded from this option,
- Applicable(Y/N) or**

Payment Method 2:

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

Please note

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

Applicable (Y/N).....

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

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

Fixed ZAR pricing

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

Applicable (Y/N).....

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

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

PART 2: EXCHANGE RATES

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

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PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

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

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

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

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

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


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

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

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1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

2 EXPATRIATE LABOUR METHOD

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

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

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

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

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


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

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

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

x is the imported content in Rand

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


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

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

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NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

- 5 THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT

TAX COMPLIANCE REQUIREMENTS

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

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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


ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

1. To be completed by the organ of state

(delete whichever is not applicable for this tender)

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

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

- 1 Price, and
- 2 Specific Goals

1. To be completed by the organ of state:


The maximum points for this tender are allocated as follows

	POINTS
PRICE	
SPECIFIC GOALS	

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P_{min} = 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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender


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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company/ firm for the preference(s) shown and I acknowledge that

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

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME

DATE:


ADDRESS

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

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of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder

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

2 Bidder's declaration

2 1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

2 1 1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below

Full Name	Identity Number	Name of State Institution

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

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

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

2 3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

1 If so, furnish particulars

3. DECLARATION

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

3 1 I have read and I understand the contents of this disclosure,

3 2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect,

3 3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3 4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3 4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3 5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and 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

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

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