

	Investment Recovery Offer to Purchase Template	Template Identifier	240-75978567	Rev	2	
		Effective Date	01 June 2021			
		Review Date	June 2024			

INVITATION TO SUBMIT AN OFFER TO PURCHASE, COLLECT AND REMOVAL OF SCRAP FERROUS METAL ON BEHALF OF ESKOM AT NELSPRUIT RDC, DISTRIBUTION AND TRANSMISSION SITES IN LOWVELD MPUMALANGA OU ON AN "AS AND WHEN" REQUIRED BASIS FOR A PERIOD OF THREE (3) YEARS

**ENQUIRY NUMBER: MWP1836DIS
CLOSING DATE: 23 FEBRUARY 2023**

INVESTMENT RECOVERY SECTION

PURCHASE, COLLECTION AND REMOVAL OF SCRAP FERROUS METAL ON BEHALF OF ESKOM AT NELSPRUIT RDC NELSPRUIT RDC, DISTRIBUTION AND TRANSMISSION SITES IN LOWVELD MPUMALANGA OU ON AN "AS AND WHEN" REQUIRED BASIS FOR A PERIOD OF THREE (3) YEARS

Issue Date:
01 February 2023

Ref:
MWP1836DIS

Enquiry:
Prince Ndima
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ndimapx@eskom.co.za

TENDER ENQUIRY No. MWP1836DIS

Eskom is the owner of **mixed ferrous scrap metal**, located at **Nelspruit RDC Lowveld Sites in Mpumalanga**

You are kindly invited to submit an offer to purchase, collect and remove scrap ferrous Metals on Behalf of **Eskom Nelspruit RDC & Lowveld sites** on an "as and when" required basis as detailed in the Scope of Work and Offer to Purchase

The **Compulsory viewing (Clarification Meeting)** of the **mixed ferrous scrap metal** has been arranged as follows:

**Date: 13 February 2023 at 10:00am
Nelspruit RDC/Distribution Sterkspruit Technical**

Please send details of the company representatives who will be attending this **compulsory** site meeting to Elias Nedombeloni on email NedombEM@eskom.co.za not later than 07 February 2023 at 16:00.

PPE TO BE WORN ON ALL ESKOM SITES ON VIEWING/VISITS. YOU WILL NOT BE GRANTED ACCESS TO THE SITE IF THE MINIMUM PPE IS NOT WORN

Kindly ensure you observe all COVID -19 related regulations

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1. SUBMISSION OF THE “OFFER TO PURCHASE”

Your quotation, as submitted by you on the “Offer to Purchase” document shall be submitted on **2 Files (1 Original plus 1 Copy)** placed in a sealed envelope and marked, **Offer to Purchase Confidential Enquiry No. MWP1836DIS** and submitted as follows:

- by posting in Eskom’s Tender Box situated at, Eskom Megawatt Park, Maxwell Drive, Sunninghill Park.

Please note: **Tenders may ONLY be submitted at this address only.**

The closing date is 10:00am on 23 February 2023.

ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!

NO LATE OFFERS WILL BE ACCEPTED!

2. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, noted in this letter and any amendments that accompany the TENDER ENQUIRY **MWP1836DIS**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

STANDARD CONDITIONS OF TENDER	AGREEMENT 37.2	TST 41-61
 Standard Conditions of Tender.doc	 Section 37 2 Agreement 2010 Esk	 TST 41-61 Standard.doc

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3.TENDER RETURNABLES

The tenderer must submit the returnable set out hereunder as part of its tender and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

4.LIST OF TENDER RETURNABLES:

4.1. Tender returnable documents.

Offer to purchase form (with price schedule)
Valid SARS Tax Clearance Certificate
Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency
Letter of good standing with COID or insurance body.
Second hand goods certificate from SAPS/License
CSD Registration Documents
CIPRO Registration Documents
Copies of ID Documents of Directors
SBD4 Form

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ANNEXURE B

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:

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

Please complete the declaration with an ‘X’ under YES or NO

Item	Question	Yes/No	
		Yes	No
1.1	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, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za).		
1.2	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?		
1.2.1	Provide details.		
1.3	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		

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	

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5. SCOPE OF WORK

The scope of work will include the purchase, collection and removal of Scrap Ferrous metal (Steel, Sub-Grade, CT's, VT's, Steel Cages, Porcelain, Rubber, Insulators, Isolators and line hardware) on an "as and when" required basis at **Eskom-Nelspruit RDC and various lowveld sites** for a period of three (3) years.

The purchaser must assure the site be left clean at completion of their collection and removal of the goods

The purchaser will be responsible for the safe collection, handling, removal, loading and transportation of the material and to clean the site and must provide their own Bins, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

Each load of metal, as removed must be weighed at a suitable weighing facility nearest to the site of collection and will be for the account of the Purchaser. The weighbridge facility must be acceptable for Eskom. An Eskom representative must witness the weighing (must sign the weighbridge documentation, add name and contact details in print) and keep a copy that must be handed to the relevant Eskom Senior Official responsible for the management of the goods on behalf of Eskom. The purchaser must provide a copy of the weighbridge document to the relevant Eskom Investment Recovery Officer. Collections and payments will be monitored by means of collection registers to be separately maintained by the purchaser and the Eskom Investment Recovery Officer. It will be the duty of the purchaser to proof, on a regular basis as this will be requested, by the Eskom Investment Recovery Officer for reconciling information between the contractual parties. Payment Price will be invoiced on the Monthly ITAC Metal Bulletin price as per the offer percentage.

The goods on sale will be identified by Eskom.

NOTES

- a. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- b. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- c. Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- d. Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.

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- e. You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- f. All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- g. Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.
- h This is a open tender and only those contractors that attended the site meeting may tender.
- i. No accommodation will be allowed on site.
- j. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- k .You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.

6. FINACIAL EVALUATION

- a. The following criteria and their individual weight in % will be used for the evaluation of price.

Evaluation Criteria	Weighting
Financial – Best Price	80%
BBBEE	20%

NOTE:

Eskom’s commercial process will be followed and this process is dependent on the decisions made by the different Eskom Adjudicating authorities

7. PRICE SCHEDULE

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices.

For each disposal transaction the rand price will be calculated by multiplying the quoted percentage of the ITAC (**International Trade Administration Commission South Africa**) and price by the ITAC

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ITEM NO	DESCRIPTION	PRICE PERCENTAGE OF ITAC METAL BULLETIN (% excluding VAT)
1	Sub grade Steel	
2	Heavy steel scrap	
3	Contaminated / Mixed Scrap	

Suppliers should utilise the provided price schedule, failure of which will lead to a **non-responsive tender**.

Payment shall be made to Eskom no later than two days after the date of the sale. The release of the equipment to the new buyer will take place after receipt of payment to Eskom and the buyer acquiring a permit to remove and transport the equipment.

8. VALUE ADDED TAX (VAT)

Value Added Tax Act no 89 Of 1991 and VAT invoices will be issued on request.

DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX

IT IS A CONDITION OF TENDERERS THAT:

- 8.1 It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- 8.2 The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 8.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:
- 8.4 Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or
- 8.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.
- 8.6 Each party to Consortium/Sub-contractor must complete a separate declaration.

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

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9.Environmental requirements

The intended activities at the Eskom Sites will have an impact on the environment and as such have to be properly management. Proper management requires that there is compliance with all the relevant pieces of legislation that impact on the development or intended activities. Therefore, the list below indicates the pieces of legislation that impact on the proposed activities. It is important that the Construction Team complies with these. Non-compliance will be unwise and may prove to be very costly for the organisation.

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i> List of activities and competent authorities identified in terms of sections 24 and 24d
National Environmental Management Act	107 of 1998, as amended	Protects the rights of all citizens to a healthy and safe environment
Atmospheric Pollution Prevention Act	45 of 1965	Control all activities that pollute the air <i>Dust control during construction –Applicable during the clearing of yard-stones</i> <i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various other activities, which may have a detrimental effect on the environment. <i>Waste management</i> <i>Application of waste disposal permit</i> <i>Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner's gates and fences <i>Climbing or crawling over or through fences without permission</i> <i>Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances. <i>NB: no hazardous substances will be used during this phase of construction</i>
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment.

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ACT NAME	ACT NO	NOTES/REMARKS
		<i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste Regulations relating to nuisances NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

10. GUARANTEE / WARRANTY

Eskom Holdings SOC Limited gives no guarantee or warranty to the workability or condition of the equipment for sale, other than allow each buyer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold "Voetstoots".

11. OFFERS

Eskom reserves the right not to accept the lowest or any tender / offer or withdraw any item it wishes to retain.

Only the successful purchaser will be notified.

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

12. VARIATION

No variation or modification of the proposed agreement shall be in force, unless the same is confirmed in writing.

Yours Faithfully

Prince Ndim
Investment Recovery
Procurement & Supply Chain Management

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CLOSING DATE: 23 February 2023
CONTACT PERSON: Prince Ndima
Email: ndimapx@eskom.co.za

NB! A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract.
 A bidder who has an open non-conformance will be disqualified and not awarded a new contract

ITEM NO	DESCRIPTION	PRICE PERCENTAGE OF ITAC METAL BULLETIN (% excluding VAT)
1	Sub grade Steel	
2	Heavy steel scrap	
3	Contaminated / Mixed Scrap	

This tender proof the tenderer is fully aware of the condition of the tender and the price% they have offered on the tender proofs their full intention and will to purchase the scrap ferrous metal "VOETSTOOTS" as is for their price as offered. **The offer percentage will be based on International Trade Administration Commission South Africa (ITAC) ONLY.**

Please provide full and proper details according to the requirements below. Incomplete or unclear Tender Documentation can be rejected.

OFFER SUBMITTED BY - NAME :**SIGNATURE:**.....

Date: **CELL:** **E- mail:**.....

Who are legally authorized to provide this tender on behalf of:

BUSINESS NAME:.....**CSD NUMBER:**.....

BUSINESS ADDRESS:.....

TEL:.....

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