

	<b>Invitation to Tender for</b> <b>The manufacture and supply</b> <b>Airdac Concentric Cable</b> <b>Enquiry No: LP0077AB</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	11
		<b>Effective Date</b>	18 February 2022		
		<b>Review Date</b>	February 2027		

**ESKOM HOLDINGS SOC LTD**  
**INVITATION TO TENDER**  
**FOR**

**The original manufacturers of the equipment to manufacture and supply the Airdac Concentric Cable within Limplanga Cluster with staggered deliveries over a period of 12 months**

<b>Tender number</b>	<b>LP0077AB</b>
<b>Issue date</b>	<b>15 June 2022</b>
<b>Closing date and time</b>	<b>08 July 2022 at 10h00am</b>
<b>Tender validity period</b>	<b>16 weeks / 120 days</b> from the closing date and time
<b>Non- Compulsory Clarification meeting</b>	<p><b>Date: 23 June 2022</b>  <b>Time: 11h00 AM</b></p> <p>Tenderers interested to participate in the clarification meeting through online Microsoft teams <b>must click on the link below:</b>  <a href="#">Click here to join the meeting</a></p> <p>It should be noted that all presentations shared in the clarification will be published on both tender portals for the benefit of all tenderers.</p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p>Eskom Holding SOC Ltd  <b>The Tender Office</b>  Limplanga Cluster -Limpopo  Millennium Building  90 Hans Van Rensburg Street  Polokwane</p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the **manufacture and supply Airdac Concentric Cables within Limlanga Cluster**.

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

- 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)).

### Tender documentation can be downloaded from the following:

1. <http://tenderbulletin.eskom.co.za/>
2. [www.etenders.gov.za](http://www.etenders.gov.za)

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

Yours faithfully

p.p. 

Acting Procurement Manager Limlanga Cluster Limpopo

Ms. Motsatsi Magwele

Date: 15 June 2022

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**The following documents listed hereunder are attached to this enquiry**

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)	Page No
6.1	*Acknowledgement form	Annexure A	Y	<b>26-27</b>
6.2	*Tenderer's particulars	Annexure B	Y	<b>28-32</b>
6.3	*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	<b>33-36</b>
6.4	CPA Requirements for Local Goods/Services	Not Applicable		
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y	<b>37-40</b>
6.6	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	<b>38-44</b>
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y	<b>45-47</b>
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y	<b>48-53</b>
6.9	Material Specification	Annexure I	Y	<b>54-55</b>
6.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE <b>[only to be attached for services type of contracts].</b>	Not Applicable		

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6.11	Supplier Development & Localisation (SDL&I) Undertaking)	Not Applicable		
6.12	Reverse e-auction training acknowledgement form	Annexure A1 To be uploaded from Sharepoint	Y	<b>Attached Separately</b>
6.13	Reverse e-auction process	Annexure A2 To be uploaded from Sharepoint	Y	<b>Attached Separately</b>
6.14	Local Content Annexure Form C, D and E Excel Spread Sheet	Annexure A3	Y	<b>Attached Separately</b>
6.15	SBD 4 -Standard Bidding Document	Annexure A4	Y	<b>Attached Separately</b>
6.16	Non- Disclosure Agreement Document (NDA)	Annexure A5	Y	<b>Attached Separately</b>
6.17	Technical Requirements	Annexure A6	Y	<b>Attached Separately</b>
6.18	Guidelines to complete Local Content Documents	Annexure A7	Y	<b>Attached Separately</b>
6.19	Eskom General Condition of Purchase	Annexure A8	Y	<b>Attached Separately</b>

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.

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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: Asnath Baloyi  Tel: <b>015 299 0242</b>  E-mail: <b>BaloyiAT@eskom.co.za</b></p>
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>LP0077AB</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <p><b>An open Invitation to tender</b></p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the <b>whole</b> of the contract.</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 [<i>tender</i>] if</p> <ul 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/proposal] 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 liable for the execution of the Contract in accordance with the Contract terms.</li> <li>• 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 : <ul style="list-style-type: none"> <li>○ (a)they have a controlling partner/majority shareholder in common; or</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ (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> <li>● Tenders signed by non- authorized persons</li> <li>● Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>● A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations</li> <li>● Any tenderer that is restricted by National Treasury</li> <li>● A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>tender submission</b> is:  Date <b>08 July 2022</b>  Time <b>10:00am</b></p> <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</b>  <b>ESKOM HOLDING SOC LTD</b>  <b>LIMLANGA CLUSTER- LIMPOPO</b>  <b>MILLENNIUM BUILDING</b>  <b>90 HANS VAN RENSBURG STREET</b>  <b>POLOKWANE</b></p>
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. 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	<p>The tender validity period is <b>16 weeks /120 days</b></p>
2.16 Site/clarification meetings	<p><b>A non-compulsory clarification</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>23 June 2022</b>  Time: <b>11h00 AM</b></p> <p>Tenderers interested to participate in the clarification meeting through online Microsoft teams <b>must click on the link below:</b></p>

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	<p><a href="#">Click here to join the meeting</a></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</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)</b> working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.25 Conditions of contract	The conditions of contract will be the <b>Eskom General Condition of Purchase</b>
2.31 Provision of security for performance	Not applicable
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> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submitted two (2) hard copies; One original and one exact copy of the original tender to Eskom.</li> <li>• Submission of the list of mandatory tender returnable documents.</li> </ul> <p><b>Mandatory tender returnable and requirements documents:</b></p> <ul style="list-style-type: none"> <li>• Completed and signed declaration of authority form as attached with this tender / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender. <b>Note - The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.</b></li> <li>• <b>Declaration of Shareholding and Directorship</b> - The tenderer must submit <b>(Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship</b> - in order for Eskom to assess any conflict of interest.</li> <li>• Submit completed and signed Integrity Pact Declaration form.</li> <li>• Submitted proof of the registration on National Treasury's Central Supplier Database (except Foreign Suppliers / Central Supplier Database (CSD) or number MAAA (.....))</li> </ul>

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	<ul style="list-style-type: none"> <li>• Submit completed and signed <b>SBD 1</b> (Annexure G) as included in the invitation to tender document.</li> <li>• Submit completed and signed <b>SBD 6.1: Preference Points Claim Form</b> in terms of PPPFA 2017 regulations as included in the invitation to tender document (Annexure H)</li> <li>• Submit completed and signed Non-Disclosure agreement (<b>NDA</b>).</li> <li>• Submit completed and signed Standard Bidding Document (<b>SBD4</b>)</li> <li>• A signed sworn affidavit confirming that the Tenderer is the Original Equipment Manufacturer (OEM) of Airdac Concentric Cable</li> </ul> <p><b>Non-responsive /Unacceptable tenders will be disqualified, and all the responsive tenders will be evaluated further.</b></p>						
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in 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.						
3.11 Pre-qualification criteria	Pre-qualification criteria <b>are not applicable</b>						
3.12 Designated materials and thresholds	<p>Designated material thresholds <b>are applicable</b></p> <p>This tender does concern a designated sector. This will be incorporated into the contract.</p> <table border="1" data-bbox="517 1205 1433 1344"> <thead> <tr> <th>Sector</th> <th>Commodity</th> <th>Local Content Threshold</th> </tr> </thead> <tbody> <tr> <td>Electrical Cable</td> <td>Cable Elect:1 Kv;19c; Cu;2.5 Mm2; Stl Wire</td> <td><b>90%</b></td> </tr> </tbody> </table> <p><b>Local Content Declaration (Annexure B, C, D and E) are mandatory tender returnable.</b></p> <p><b>A tender that fails to complete, sign and return Annexure B (SBD 6.2- Declaration Certificate for Local Production and Local Content) and Local Content Annexure C, D &amp; E with the tender document is an unacceptable tender and will be disqualified from further evaluations.</b></p>	Sector	Commodity	Local Content Threshold	Electrical Cable	Cable Elect:1 Kv;19c; Cu;2.5 Mm2; Stl Wire	<b>90%</b>
Sector	Commodity	Local Content Threshold					
Electrical Cable	Cable Elect:1 Kv;19c; Cu;2.5 Mm2; Stl Wire	<b>90%</b>					

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	<p><b>NB! Please note that designated material for local content needs to be completed in full even when reverse e-auction is used.</b></p> <p><b>Local Content Formula</b></p> <p>LC = 1- (x/y) x 100  x: the imported content in Rand  y: the tender price in Rand</p> <p><b>The tender will be disqualified from further evaluation where it fails to achieve the clearly specified minimum threshold for local production and content and where the Declaration Certificate for local content is not submitted in the tender.</b></p> <p>Tenderers need to complete and submit Annexure <b>F1-F4</b> hereto as evidence of compliance with this requirement.</p> <p>DTI has appointed SABS as the official verification agency for local content in terms of designated products.</p>								
3.13 Functionality requirements	Mandatory requirements will be as follows  <p><b><u>Functional Scoring Criteria (Technical Evaluation)</u></b></p> <p>A weighted score-card approach will be used to evaluate the technical compliance of the tenders against the evaluation criteria below.</p> <p><b>Failure to achieve the 80% threshold will render the tenderer non-compliant and the tender will be disqualified for further evaluations. Apply the threshold evaluation (Functionality- Technical</b></p> <table border="1" data-bbox="517 1487 1473 1686"> <thead> <tr> <th>Functionality</th> <th>Weightings</th> </tr> </thead> <tbody> <tr> <td>Technical</td> <td>100%</td> </tr> <tr> <td>Total</td> <td>100%</td> </tr> <tr> <td>The minimum number of percentage point to be achieved for qualification</td> <td><b>80%</b></td> </tr> </tbody> </table> <p><b><u>Technical evaluation</u></b></p> <p>A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications. The technical evaluation criteria and weights are as illustrated below</p>	Functionality	Weightings	Technical	100%	Total	100%	The minimum number of percentage point to be achieved for qualification	<b>80%</b>
Functionality	Weightings								
Technical	100%								
Total	100%								
The minimum number of percentage point to be achieved for qualification	<b>80%</b>								

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	<p><b>Requirements:</b></p> <p>The evaluation methodology will include two main parts, namely the documentation evaluation and the factory evaluation</p> <p><b>Documentation Evaluation</b></p> <p>The documentation evaluation exercise is performed by the Eskom evaluating representatives. This initial part of the evaluation starts when submissions are opened and assessed for the first time. The submitted documents will be evaluated against the evaluation criteria as stated in clause 3.3 below.</p> <p>During the documentation evaluation, fully compliant type, routine, and sample tested concentric cables in accordance with 240-61704085 will be required. Failure to submit and comply with the tests requirements specified in these documents will lead to immediate disqualification.</p> <p>The documentation evaluations are meant for establishing if all the key tender deliverables are met. The documentation evaluation will consist of two sections: mandatory technical evaluation requirements deliverables (Level 1: mandatory requirement) and scoring phase (level 2: submission requirements). The Level 1 constitute a total of 80% of the total technical evaluation score, while the level 2 submission requirements constitute 20% of the technical evaluation score.</p> <p>The tender submission must meet all the level 1 (mandatory technical evaluation requirements). Failure to meet all the mandatory requirements will result to a score of 0% of the 80% (listed above); thus, a tenderer can only obtain 0% or 80%, and nothing in between for level 1 mandatory requirements.</p> <p>Technical evaluation score = 80% (level 1 mandatory requirements) + 20% (level 2 submission requirement.</p> <p>Once a tenderer gets a “No” at Level 1 it becomes an automatically disqualification and when it is all “Yes” then a full 80% is achieved and then proceed to a Level 2 scoring.</p>
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	<p><b>Note:</b> Only a 100% compliant score achieved at level 1 mandatory requirements equates to full compliance. Any score below 100% of level 1 mandatory requirements will result to immediate disqualification.</p> <p>The factory evaluations are only performed on the submissions that have met all the mandatory technical evaluation requirements in level 1: mandatory requirements as stated this document. Eskom Commercial shall make the arrangements for factory visits and ensure the technical representatives are invited on time.</p> <p>At the factory, the Eskom evaluating representative(s) conducts the evaluation using checklists. The checklists are used to verify factory capability and manufacturing method compliance to the type tested conductors offered.</p> <p>The factory evaluation will consist of the cable manufacturing plant evaluation (i.e., design capability, type tested compounds, extrusion lines, manufacturing plant, processes, sample and routine testing, etc.).</p> <p><b>The following areas shall be assessed during the manufacturing evaluation:</b></p> <ol style="list-style-type: none"> <li>a) Machinery capability.</li> <li>b) Plant setup.</li> <li>c) Raw material and compounds type tested.</li> <li>d) Extrusion lines type tested.</li> <li>e) Production process and critical check points.</li> <li>f) Design and software design capability.</li> <li>g) Material handling and storage.</li> <li>h) Testing facilities including certification and calibration of testing equipment.</li> <li>i) Sample testing and procedures.</li> <li>j) Routine testing procedures.</li> <li>k) Packaging of materials and drums.</li> </ol> <p>At the end of this exercise, the Eskom evaluating representative(s) list all the deviations and identified risks if any. The representative conducts a formal discussion of the deviations and risks in line with Eskom's requirements. If major discrepancies and risks are identified the supplier may be disqualified. For minor discrepancies and risks the tenderer and</p>
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	<p>their OEM are given opportunity to decide whether they agree or disagree to meet Eskom requirements within one month after factory assessment.</p> <p>The action plans for resolving the discrepancies and risks will be agreed between Eskom representative(s) and the supplier.</p> <p><b>Refer to Annexure A6 -Technical requirement attached separately.</b></p>				
3.15 Evaluation of price	<p><b>Price Evaluation and B-BBEE Points Scoring</b></p> <p>Price Evaluation <b>(80)</b></p> <p>Prices will be scored out of 80 (Calculate price points out of 80 (Price = Tendered).</p> <p><b>Price evaluations will be evaluated as follows</b></p> <table border="1" data-bbox="517 972 1378 1214"> <thead> <tr> <th>Adjudication Criteria</th> <th>Points</th> </tr> </thead> <tbody> <tr> <td> <math display="block">P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)</math> </td> <td style="text-align: center;"><b>80</b></td> </tr> </tbody> </table> <p>Review offers for arithmetical errors and / or conduct technical adjustments</p> <p><b>Where:</b></p> <p>Ps = Points scored for price of tender under consideration  Pt = Rand value of tender under consideration  Pmin = Rand value of the lowest acceptable tender</p> <p><b>Note:</b>  <b>Eskom reserve the right to use reverse e-auction. The relevant documents (e.g., acknowledgement from the supplier to participate in the reverse e-auction process, bidders guide for reverse e-auction with training video links) are attached separately (Refer to Annexure A1-A2)</b></p> <ul style="list-style-type: none"> <li>The tenderers will submit a complete tender <b>without</b> prices as stated in the enquiry when following the reverse e-auction process.</li> </ul>	Adjudication Criteria	Points	$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	<b>80</b>
Adjudication Criteria	Points				
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	<b>80</b>				

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- Price and Preference: 80/20 preferential points will be applied using the reverse e-auction.

### 3.17 Evaluation of B-BBEE

#### **BBEE POINTS SCORING**

Maximum 20 points will be allocated to B-BBEE

The B-BBEE score table below will be used to allocate suitable points to tenderers as per submitted B-BBEE certificate

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

- **Apply preference points according to B-BBEE level contribution**

#### **BBBEE Certificates and Sworn Affidavits Tender Returnables:**

- Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or
- Valid Copy B-BBEE Certificate issued by CIPC for EME's. **OR**
- Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or
- Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted,
- A signed sworn affidavit confirming that the Tenderer is the Original Equipment Manufacturer (OEM) of Airdac Concentric Cable.

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

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	<ul style="list-style-type: none"> <li>Name/s of deponent as they appear in the identity document and the identity number.</li> <li>Designation of the deponent as the <b>director, owner or member</b> must be indicated in order to know that person is duly authorised to depose of an affidavit. <b><u>(Mark the applicable option).</u></b></li> <li>Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</li> <li>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. <b><u>(No blank spaces to be left).</u></b></li> <li>Indicate total revenue for the year under review and whether it is based on <b>audited financial statements or management account.</b> <b><u>(Mark the applicable option).</u></b></li> <li>Financial year-end as per the <b>enterprise’s registration documents</b>, which was used to determine the total revenue. <b><u>(Financial year end to be stipulated by day/month/year).</u></b></li> <li>B-BBEE Status level. An enterprise can only have one status level. <b><u>(Tick applicable level)</u></b></li> <li>Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</li> <li>Date deponent signed and date of Commissioner of Oath must be the same. <b><u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)</u></b></li> <li>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.</li> </ul> <p><b>Tenderers will be ranked by applying the point scoring based on the 80/20.</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> <ul style="list-style-type: none"> <li>80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) state that 80/20 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</li> </ul>

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	<p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p> <p>Conclude and award an order to the top ranked tenderer who scored the highest points, unless contractual requirements justified the award to a 2<sup>nd</sup> ranked Supplier.</p>
3.19 Objective Criteria	<p>Objective criteria <b>are not applicable</b></p> <p><b>Please note: -</b></p> <ul style="list-style-type: none"> <li>• “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</li> <li>• <b>Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</b></li> </ul>
3.20 Reverse e-auction	<p>Reverse e-auction <b>is applicable</b></p> <p><b>Please note: -</b>  <b>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</b></p> <ul style="list-style-type: none"> <li>• The tenderers will submit a complete tender <b>without</b> prices as stated in the enquiry when following the reverse e-auction process</li> <li>• Price and Preference: 80/20 preferential points will be applied using the reverse e-auction.</li> </ul>
Contractual Requirements	<p>Contractual Requirements <b>are applicable and include the following:</b></p> <ul style="list-style-type: none"> <li>• Quality requirements; and</li> <li>• Financial statements; and</li> <li>• Commercial statutory documents</li> </ul> <p>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders  The tenderer will be <b>allowed 07 working days</b>, to resubmit the contractual requirements that were not met after the tender submission.</p>

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	<p><b>Tenderers failing to meet contractual requirements will be ineligible for contract award</b></p> <p><b>A) Quality Contractual Requirements</b></p> <ul style="list-style-type: none"> <li>• Category 2 Criteria</li> <li>• Form A Rev 9</li> <li>• CQP Template Rev 3</li> <li>• QCP or ITP Rev 3</li> <li>• QM58 Specification Rev 3</li> </ul> <p><b>B) Financial Analysis</b></p> <ul style="list-style-type: none"> <li>• An analysis of the tenderers financial statements will be conducted on all shortlisted Service Providers for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be awarded the contract</li> </ul> <p><b>Instance where the recommended suppliers is not financially viable, the following mitigation factors will be proposed:</b></p> <p>Risk mitigating factors may include obtaining a performance bond or parent company guarantee. If the risks cannot be mitigated to ensure performance against the contract, the contract may be awarded to another supplier, which may not be the highest ranked supplier if offering market-related prices</p> <p><b>C) Commercial statutory documents</b></p> <p>It should be noted that some statutory documents are required for evaluation i.e.-BBEE and COIDA however they may expire during the evaluation process. A tenderer will not be awarded the contract if the following legislation documents are not valid.</p> <ul style="list-style-type: none"> <li>• Valid B-BBEE certificate or sworn affidavit.</li> <li>• Tax Compliance Status (TCS) e-filing PIN from SARS.</li> <li>• Valid Letter of Good Standing with the compensation body/ FEMA (Federated employer's mutual assurance)/RMA (Rand mutual Assurance).</li> </ul>
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	<ul style="list-style-type: none"> <li>• Proof of National Treasury Central Supplier Database with a tax compliant status at contract award.</li> </ul> <p><b>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status.</b></p> <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 is able to meet the contractual requirements, must be submitted prior to contract award. 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>  <b>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.</b></p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <i>are not applicable</i>

**Please note:**

**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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**THE ADDITIONAL CONDITIONS OF THE TENDER ARE:**

- Refer to the attached standard conditions of tendering
- The Buyer is the single point of contact regarding queries associated with this enquiry
- The record of the clarifications queries and the associated responses from Eskom will be published on the Tender Bulletin and e-Tender Portal
- Failure to comply with the said conditions of tender or failure to provide any compulsory/mandatory documentation required for purposes of tender evaluation and the determination of competitive ranking will render a tender non-responsive.
- The tenderer is requested to submit the commercial, technical, Quality and financial documents separated with dividers and clearly indexed and bind together. Please ensure that all pages are securely bound with file fasteners.
- The use of Arch Lever files is discouraged on this tender.
- No Tippex/Correction pen is to be used on any page or pages of the documents to be submitted. Failure to comply with this, your tender will be deemed commercially unacceptable.
- The suppliers must complete Non-disclosure forms attached, to indicate that none of its personnel have any involvement or interest in Eskom and likewise no Eskom personnel have any involvement or interest in the respondent's business with regard to this tender.
- All costs incurred in the preparation, presentation/ demonstration, and submission of your tender response will be for the Tenderer's account.
- Tenderers are encouraged to continuously check Eskom tender bulletin for the latest tender updates during this clarification period. This will enable tenderers to familiarise themselves with any new developments in order to tender accurately

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### 1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓	
<b>Pre-qualification criteria:</b> <ul style="list-style-type: none"> <li>• <b>B-BBEE levels/EME/QSE</b></li> <li>• <b>Sub-contracting to designated groups</b></li> </ul> <p><b>Please Note that:</b>  “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;</p> <p>If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of</p>	<b>“Proof of B-BBEE status level of contributor”</b> for main contractor CSD number	N/A	
	Signed Sub-contracting intent agreement	N/A	
	<b>“Proof of B- BBEE status level of contributor”</b> for sub-contractor belonging to designated group	N/A	
	Any other supporting documents to verify the status of the main contractor or sub-contractor (as may be stipulated in 3.11)		

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<b>PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified</b>			
<b>Annexure A</b>	Acknowledgement Form		
<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>Not Applicable</b>	
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	✓	
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development & Localisation (SD&L) Undertaking		<b>Not applicable</b>	
Reverse e-auction training acknowledgement form			✓
<b>Additional Documents required in event of JV:</b>	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓

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	<p><b>“proof of B-BBEE status level of contributor”</b> means: -</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; (as may be applicable for the particular tendering entity)</p>	✓	
	<p>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.</p>		✓
<p><b>**“proof of B-BBEE status level of contributor”</b> means: -</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p>	<p>Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</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 and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p>	✓	
<p><b>Tax Clearance Certificates</b></p>	<p>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).</p>		✓

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	Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]	<b>Not Applicable</b>	
<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 Equity report to the Department of Labour. (South African tenderers only)		✓
<b>CIDB (where applicable)</b>	Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	<b>Not Applicable</b>	
<b>Shareholding</b>	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
<b>Annexure A4</b>	<b>SDB4</b> -Standard Binding Document	✓	
<b>Annexure A5</b>	<b>Non-Disclosure Agreement</b> NDA document to be completed, signed and submitted with the	✓	

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<b>Non-Disclosure Agreement (attached separately)</b>	tender documents by tender submission deadline		
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</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>Not Applicable</b>	
<b>Quality</b>	Documents that may be required per scope of work. <b>Refer to page 24-25.</b>		✓
<b>Environmental</b>	Documents that may be required as per scope of work	<b>Not Applicable</b>	
<b>Due Diligence</b>	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.		✓
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	Refer to detailed functionality evaluation criteria <b>on page 9-12. Refer to Annexure A6</b>	✓	

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### QUALITY CRITERIA

	<b>Supplier Quality Management:</b> <b>List of Tender Returnables</b> <b>Documents</b>	<b>Unique Identifier</b>	<b>240-12248652</b>
		<b>Revision</b>	<b>7</b>
		<b>Effective Date</b>	<b>2022/01/26</b>
		<b>Specification</b>	<b>240-105658000</b>
<b>Category 2</b>	<b>: Quality Requirements</b>	<b>Deliverables to be evaluated indicator = 1</b>	<b>Weight</b>
<b>SECTION A: Quality Management System Requirements ISO 9001</b>			
<b>(Option 1) Valid certification of Quality Management System by an ISO accredited body</b>			
			<b>Apply =1</b>
A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant			1
A.2 Certificate by Approved and Authorized certification authority			1
A.3 Certification Authority has Recognized International Accreditation			1
A.4 Validity (expiry date) of certificate			1
<b>Section A Score Option 1</b>			<b>4</b>
<b>SECTION A: Quality Management System Requirements ISO 9001</b>			
<b>(Option 2)</b>	<b>Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>		
			<b>Apply =1</b>
A.1 QMS Manual or a document that defines and describes the QMS and its scope			1
A.2 Quality Policy Approved by top management.			1
A.3 Quality Objectives Approved by top management.			1
A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015			1
A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015			1
A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015			1
A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015			1
<b>Section A Score Option 2</b>			<b>7</b>
<b>SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</b>			
			<b>Apply =1</b>

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B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)	1
B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)	1
B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. (Clause 9.2 of ISO 9001:2015)	1
B.5 Records of Management Review meetings (minutes, attendance registers e.t.c)	1
<b>Section B Score</b>	<b>4</b>
<b>SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).</b>	
<b>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</b>	
	<b>Apply (Yes=1)</b>
NB! Draft Contract/Project Quality Plan has important QA deliverables	1
<b>Section C Score</b>	<b>1</b>
<b>SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302)</b>	
<b>QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005)</b>	
	<b>Apply = 1</b>
NB! Draft/ Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) for product manufacturing.	1
<b>Section D Score</b>	<b>1</b>
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000)</b>	
<b>Customer specific requirements &amp; other standards and required can be listed and evaluated here</b>	
	<b>Apply (Yes=1)</b>
E.1 Form A is completed and signed.	1
E.2 Manufacturer evaluation reports and Purchased material verification checklist	1
<b>Section E Score</b>	<b>2</b>

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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

1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
- 

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

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

**Or:** Incorrect or incomplete for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cataloguing Acknowledgement:**

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

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 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.

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Invitation to Tender 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 (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)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
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)	

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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	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
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\_\_\_\_\_

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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 complete 8.1- 8.7

- 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. Black people
  - b. Black people who are youth
  - c. Black people who are women
  - d. Black people with disabilities
  - e. Black people living in rural or underdeveloped areas or townships
  - f. Cooperatives which are 51% owned by Black people
  - g. Black people who are military veterans

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential

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tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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	
-----	--	----	--

**A. 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: \_\_\_\_\_

**B. 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.

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<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

(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/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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/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:

- 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

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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><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>		

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

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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.

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

**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.

<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 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:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- 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

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as the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- 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.

**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.

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	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.

**4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)**

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

**4.2 EXPATRIATE LABOUR METHOD**

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

4.3 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.

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

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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 in the Preferential Procurement Regulations, 2017, 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. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) 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. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. 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.
- 1.5. 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)

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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.**

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
<b><u>CABLE ELECT:1 KV;19C; CU;2.5 MM2; STL WIRE</u></b>	<b><u>90%</u></b>

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

*(Tick applicable box)*

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

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

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

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

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Annexure F2- \_Local content Declaration-Summary Schedule (Annex C)**



Adobe Acrobat Document

**Annexure F3 - Imports Declaration-Supporting schedule to Annex C (Annex D)**



Adobe Acrobat Document

**Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (Annex E)**



Adobe Acrobat Document

- **Please note that designated material for local content needs to be completed in full even when reverse e-auction is used for evaluation purpose**

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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:	LP0077AB	CLOSING DATE:	08 JULY 2022	CLOSING TIME:	10H00 AM
DESCRIPTION	<b>THE MANUFACTURE AND SUPPLY AIRDAC CONCENTRIC CABLES</b>				
<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)

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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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	<b>Eskom Holdings SOC Limited</b>	CONTACT PERSON	<b>Asnath Baloyi</b>
CONTACT PERSON	<b>Asnath Baloyi</b>	TELEPHONE NUMBER	<b>015 299 0242</b>
TELEPHONE NUMBER	<b>015 299 0242</b>	FACSIMILE NUMBER	<b>086 667 5234</b>
FACSIMILE NUMBER	<b>086 667 5234</b>	E-MAIL ADDRESS	<b>BaloyiAT@eskom.coza</b>
E-MAIL ADDRESS	<b>BaloyiAT@eskom.coza</b>		

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 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.
2.3 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.

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- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

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

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

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## ANNEXURE H

**SBD 6.1**

### **PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

#### **1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2
- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable: or
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE

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status level of contribution are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

**Where**

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

### 5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

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**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

- 6.1 B-BBEE Status Level of Contributor: = .....(maximum of 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

- 7.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

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

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at least 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		

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Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name \_\_\_\_\_ of  
company/firm:.....

8.2 VAT \_\_\_\_\_ registration  
number:.....

8.3 Company \_\_\_\_\_ registration  
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
.....  
.....  
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in

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business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) 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;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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
  - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p>
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## ANNEXURE I MATERIAL SPECIFICATION

SAP No	FULL MATERIAL DESCRIPTION
0632881	CABLE, ELECTRICAL: VOLTAGE: 230 V; CORE QUANTITY: 2C; CONDUCTOR MATERIAL: CU STL; CONDUCTOR SIZE: 6 MM <sup>2</sup> ; ARMOR: STL TINNED COATED; DESIGN TYPE: CONCENT; SHEATH MATERIAL: POLYETHYLENE; STANDARD: ESKOM 240-61704085; CONDUCTOR: GSW/CU TINNED; COVERING: PE SHEATH; RATING: 60 A; TEMPERATURE RATING: 90 DEG C; CONDUCTOR INSULATION: XLPE; INNER CORE (LIVE) 1 X 1.25MM MAX DIAMETER GALVANISED STEEL WIRE (GSW) AND 6 X 1.14MM DIAMETER TINNED COPPER WIRES (TCU); OUTER CORE (NEUTRAL) 7 X 1.05MM DIAMETER TINNED COPPER AND 6 X 1.25MM MAX DIAMETER GALVANISED STEEL WIRE; COMMUNICATION CORE DIAMETER 0.8MM; CABLE DRUM 500M; DRAWING NO: DDT-3140; VENDORS ARE RESPONSIBLE FOR ENSURING THAT THEY ARE PERFORMING AGAINST THE CORRECT DRAWING REVISION NUMBER (IF APPLICABLE).

Line	SAP No	Description	Quantity per km	Eskom Proposed Staggered Delivery	Offered Delivery Lead Time	Area
1	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2022.08.19		Middelburg Major Capital
2	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2022.09.12		Middelburg Maintenance
3	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	60000	2022.10.19		Nelspruit Major Capital
4	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2022.11.11		Nelspruit Maintenance
5	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	60000	2022.12.19		Polokwane Major Capital
6	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2023.01.16		Polokwane W/hse Maintenance
7	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2023.02.20		Bela - Bela Major Capital
8	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	30000	2023.03.13		Bela - Bela Maintenance
9	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	30000	2023.03.01		Middelburg Major Capital
10	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2023.04.03		Middelburg Maintenance

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11	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	50000	2023.05.30		Nelspruit Major Capital
12	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	20000	2023.06.30		Nelspruit Maintenance
13	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	50000	2023.07.20		Polokwane Major Capital
14	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	25000	2022.09.01		Polokwane W/hse Maintenance
15	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	20000	2022.11.20		Bela - Bela Major Capital
16	0632881	CABLE ELECT :230V; XLPE;2C; COPPER STEEL	5000	2022.10.01		Bela - Bela Maintenance

METHOD OF DELIVERY	Delivery By Rotran (DBR)	Delivery Excluded (DCE)	Delivery Included (DCI)
PLEASE TICK APPLICABLE DELIVERY METHOD			
PLEASE INDICATE THE DELIVERY COST IF DBR IS NOT APPLICABLE ON REVERSE E-AUCTION (MANDANTORY FOR TENDER SUBMISSION)	<b>Note:</b> <b>The tenderers will submit a complete tender <u>without</u> prices.</b> <b>Price and Preference: 80/20 preferential points will be applied using the reverse e-auction.</b>		

Offered delivery: Lead time \_\_\_\_\_ **weeks**

Tender Validity :**16 weeks** accepted **Yes/No**

Condition stated: **Accepted /Not Accepted**

Signature of Tenderer: .....

Date.....

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