

	<b>Investment Recovery Offer to Purchase Template MWP2266DIS</b>	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

**ESTABLISHMENT OF ENABLING AGREEMENT FOR NORTH-WEST OPERATING UNIT WITH PRE-QUALIFIED SCRAP DEALERS FOR THE DISPOSAL OF SCRAP KVA TRANSFORMERS AND MINI SUBS ON “AS AND WHEN” REQUIRED FOR A CONTRACT PERIOD OF 6 MONTHS (01 DECEMBER 2023 TO 31 MAY 2024).**

**ENQUIRY NUMBER: MWP2266DIS**  
**CLOSING DATE : 15 November 2023 @ 10.00 AM**

Issue Date:  
**25 OCTOBER 2023**

Ref:  
**MWP2266DIS**

Enquiry:  
Name: Obakeng Mokale  
Tel: +27 14 763 8365  
Email: [mokaleo@eskom.co.za](mailto:mokaleo@eskom.co.za)

## **INVESTMENT RECOVERY SECTION**

### **TENDER ENQUIRY No. - MWP2266DIS**

Eskom is the owner of **SCRAP TRANSFORMERS AND SCRAP MINI-SUBS**, located at **NORTH WEST OPERATING UNIT**

You are kindly invited to submit an offer for the sale and removal of scrap **KVA TRANSFORMERS AND MINI-SUBS** on Behalf of **NORTH-WEST OPERATING UNIT** as detailed in the Scope of Work and attached OFFER TO PURCHASE.

### **1. NON-COMPULSORY CLARIFICATION MEETING**

A **non-compulsory clarification** with representatives of the *Employer* will take place as follows:

Date: **01 November 2023**  
Time: **10h00 AM**

Tenderers interested to participate in the clarification meeting through online Microsoft teams **must click on the link below:**

[Click here to join the meeting](#)

Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.

All enquiries must be directed to **Obakeng Mokale at this email address: [mokaleo@eskom.co.za](mailto:mokaleo@eskom.co.za)** for commercial information.

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## 2. SUBMISSION OF THE “OFFER TO PURCHASE”

Your tender returnable together with this “Offer to Purchase” document shall be hand delivered marked “Offer to Purchase Confidential Enquiry No. MWP2266DIS” submitted as follows:

**Eskom Holding SOC Ltd  
The Tender Office Megawatt Park  
1 Maxwell Drive  
Sunninghill  
Sandton**

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

The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.

Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.

**Requests for Clarifications must be sent in writing to the respective asset disposal officer at [mokaleo@eskom.co.za](mailto:mokaleo@eskom.co.za). All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within five (5) working days before the tender closing deadline.**

**The closing date is WEDNESDAY, 15 NOVEMBER 2023 AT 10:00AM**

**ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!  
NO LATE OFFERS WILL BE ACCEPTED!**

## 3. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, (attached) noted in this letter and any amendments that accompany the TENDER ENQUIRY **MWP2266DIS**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.
- 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/Request for Proposal**; 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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#### 4. TENDER RETURNABLES

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

##### **NOTE:**

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

**\*\* Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Disposal Officer will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Disposal Officer within 5 working days of the request; the tender will be disqualified.**

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

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Reference	Returnable From Scrap dealers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (1) hard copy of the tender <b>One original and one exact copy of the original tender to be submitted to Eskom</b>	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Declaration of Interest		✓	
<b>Annexure C</b>	Declaration of fair bidding/ tendering		✓	
<b>Annexure D</b>	SBD 4 – Bidders Disclosure		✓	
<b>Annexure E</b>	Quality Requirements		✓	
<b>Annexure F</b>	Health and Safety Requirements		✓	
<b>Annexure G</b>	Environmental Requirements		✓	
<b>Annexure H</b>	Technical Evaluation Requirements		✓	
<b>Annexure I</b>	Section 37(2) Agreement			
	E-auction training acknowledgement form ( <b>Attached Separately</b> )		✓	
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by foreign scrap dealers (with a footprint in South Africa - but who are not on CSD and have not provided a SARS pin number) and Local scrap dealers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign scrap dealers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓

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	Offer to purchase form (price schedule attached and comments to price schedule)		✓	
<b>B-BBEE</b>	Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency		✓	
<b>CSD</b>	Submitted proof of the registration on National Treasury's Central Supplier Database (CSD) registration Report or MAAA registration number (Valid & Current) <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>		✓	
<b>Second-Hand Good Certificate</b>	Second-hand goods act certificate from SAPS/License (for scrap dealers and recyclers) (Valid & Current)		✓	
<b>Company Registration Documents</b>	The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest.		✓	
<b>COID</b>	Valid certificate of good standing		✓	
	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>			
<b>SHEQ Requirements per scope of works</b>	<b>SHEQ Requirements</b> <ul style="list-style-type: none"> <li>Quality Requirements (<b>Annexure E</b>)</li> <li>Health and Safety Requirements (<b>Annexure F</b>)</li> <li>Environmental Requirements (<b>Annexure G</b>)</li> </ul>			✓
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
<b>Technical (required for functionality scoring)</b>	<b>Technical Requirements</b> <ul style="list-style-type: none"> <li>Technical inventory list</li> <li>Method statement based on scope of work</li> </ul>			✓

Tenders must be submitted strictly in accordance with the requirements stipulated above together with the completed offer to purchase form.

## 5. FINACIAL EVALUATION

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

Price evaluation criteria	Weights
Price Schedule	80%
BBBEE	20%
Total	100%

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#### NOTE:

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

## 6. SCOPE OF WORK

The scope of work will include the purchase, collection and removal of **SCRAP KVA TRANSFORMERS AND MINI-SUBS FOR A SIX (6) MONTHS CONTRACT PERIOD** on "as and when" required basis contract within Eskom **NORTH WEST OPERATING UNIT**.

- 6.1 The contract will be valid for six (6) months duration, although this is contractual and fixed there will be work instruction / task orders issued per site per batch that will be required to be actioned and completed by the successful tenderer within 7 working days of issue. Each batch / work instruction / task order is a standalone task order.
- 6.2 The successful tenderer will be required to pay upfront for the allocated batch and collect all units within 7 working days from the issue date of the approved work instruction / task order.
- 6.3 The successful tenderer is expected to pay in full the units indicated on each batch submitted by Eskom Disposal Officer (and will not re-batch the quantities on the work instruction / task order).
- 6.4 The successful tenderer is required to have sufficient capacity and resources to service this contract at any given point from any given site within the contractual term as quantities of the units is not known upfront and is dependent on Eskom's operations.
- 6.5 The successful tenderer is accountable to clean the site once the collections is completed and ensure the area is cleaned should there be an oil spill.
- 6.6 The contract is for a combination of aluminium and copper core units which must be purchased by the successful tenderer according to Eskom's list.
- 6.7 It is Eskom normal business to issue out a collection request which ranges from 30 to 150 transformers at a time and the successful tenderer will be expected to pay and collect without re-batching or making part payment.
- 6.8 Please submit your tender only if you will be able to comply with the above conditions.

The purchaser will be responsible for the safe collection, handling, removal, loading and transportation of the **SCRAP UNITS** / material and to clean the site, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

The goods on sale will be identified by Eskom

## 7. PRICE SCHEDULE

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

Companies/ Buyers must show their interest to participate on the e-Auction by completing and submitting the attached Forms, **ANNEXURE C (ACKNOWLEDGEMENT FORM EAUCTION TRAINING)**

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**Pricing will be conducted via e-AUCTION**

Submission of this document confirms the tenderer is fully aware of the condition of the tender and that their offer price will be submitted through the e-Auction process. The tenderer proves their full intention and will to purchase the scrap TRANSFORMERS and MINI-SUBS AS “VOETSTOOTS” “AS IS” for their price as will be offered via e-Auction.

**THE RAND RATE PER ITEM WILL BE DETERMINED AFTER EVALUATION AND VIA THE E-AUCTION PRICING TOOL.**

For each disposal transaction the rand price will be calculated by the Final Bid Price per item ex vat.

Item No.	QTY	DESCRIPTION	PRICE OFFERED (INCLUSIVE VAT)
1	“AS AND WHEN AVAILABLE”	SCRAP KVA TRANSFORMERS AND MINI-SUBS FROM 16 KVA TO 1000 KVA	<b>TO GO THOROUGH EVALUATION PROCESS FIRST AND THEN E-AUCTION PRICING TOOL TO BE USED</b>

**NOTES**

- Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- The **SCRAP UNITS** is sold with unknown quantity of oil but any oil remaining in the equipment shall become the property of successful tenderer and the tenderer will be responsible for any oil spillage.
- The successful tenderer will be required to be obtain an Eskom permit, prior to commencement of work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site

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- h. Any oil spills caused during the work programme will need to be rehabilitated by the successful tenderer.
- i. This is an open tender.
- j. A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract
- k. A bidder who has an open non-conformance that has not been closed, will be disqualified and not awarded a new contract.
- l. No accommodation will be allowed on site.

## 8. ENVIROMENTAL REQUIREMENTS

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

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i>  List of activities and competent authorities identified in terms of sections 24 and 24d
National Environmental Management Act	107 of 1998, as amended	Protects the rights of all citizens to a healthy and safe environment  Control all activities that pollute the air
Atmospheric Pollution Prevention Act	45 of 1965	<i>Dust control during construction –Applicable during the clearing of yard-stones</i> <i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various

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ACT NAME	ACT NO	NOTES/REMARKS
		other activities, which may have a detrimental effect on the environment. <i>Waste management</i> <i>Application of waste disposal permit</i> <i>Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner's gates and fences <i>Climbing or crawling over or through fences without permission</i> <i>Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances. <i>NB: no hazardous substances will be used during this phase of construction</i>
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment. <i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste</i> <i>Regulations relating to nuisances</i> <i>NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

## 9. GUARANTEE / WARRANTY

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

## 10. BREACH

Breach of a warranty and undertakings

Should a successful tenderer fail to pay amount due to Eskom as per collection request on the due date and fail to remedy such breach within 7 (seven) days, Eskom shall, without prejudice to any of its rights in terms of the Agreement, be entitled to terminate the Agreement without prejudice to its rights.

## 11. OFFERS

Offers received for this tender will be deemed valid for a period of **THREE (3) months (90 days)** from tender closing date.

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

Only the successful tenderer will be notified.

## 12. VALUE ADDED TAX (VAT)

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

### **DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX IT IS A CONDITION OF TENDERERS THAT:**

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

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

## 13. VARIATION

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

Yours Faithfully



**Obakeng Mokale**  
Investment Recovery  
Procurement & Supply Chain Management

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**ENQUIRY NO:** MWP2266DIS  
**CLOSING DATE:** 15 November 2023  
**CONTACT PERSON:** Obakeng Mokale  
**Email:** [mokaleo@eskom.co.za](mailto:mokaleo@eskom.co.za)

Commercially required Returnable Documentation:

**Your tender must be submitted strictly in accordance with the requirements stipulated in this section and section 4 TENDER RETURNABLES**, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the "Offer to Purchase" to qualify for evaluation purposes.

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

A bidder who has an open non-conformance will be disqualified and not awarded a new contract

**This tender proof the tenderer is fully aware of the condition of the tender and the price they have offered on the tender proofs their full intention and will to purchase the scrap "VOETSTOOTS" as is for their price as offered.**

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

**OFFER SUBMITTED BY – FULL NAME :** \_\_\_\_\_

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

**DATE :** \_\_\_\_\_ **ID NUMBER :** \_\_\_\_\_

**E- MAIL :** \_\_\_\_\_ **CONTACT NUMBER :** \_\_\_\_\_

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

**FULL COMPANY NAME:** \_\_\_\_\_

**CSD REGISTRATION NUMBER : MAAA** \_\_\_\_\_

**BBBEE LEVEL CONTRIBUTOR :** \_\_\_\_\_

**CONTACT PERSON NAME:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**TELEPHONE NUMBER :** \_\_\_\_\_

**COMPANY PHYSICAL ADDRESS:**

\_\_\_\_\_

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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


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

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

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

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---

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

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

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

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

Contact details of contact person:

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

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## **ANNEXURE B**

### **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;

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

Full Name & Capacity/ Position within tenderer (e.g. employee/ Director/member/ owner/shareholder)	ID 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

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

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

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## **ANNEXURE C**

### **DECLARATION OF FAIR TENDERING PRACTICES**

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

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

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

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

Item	Question	Yes/No	
		Yes	No
1.1	Is the <i>tenderer/s</i> (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/ tendering processes/ procedures during the past five years?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s</i> (or any of its directors/ members/ shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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

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

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

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## ANNEXURE D: SBD4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

#### 3 DECLARATION

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

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature	..... Date
..... Position	..... Name of bidde

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

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## **ANNEXURE E:**

### **QUALITY REQUIREMENTS**

		<b>Supplier Quality Management: List of Tender Returnables Documents</b>		Unique Identifier		240-12248652	
				Effective Date		2022/01/26	
				Specification		240-105658000	
Category 4		: Quality Requirements		Deliverables to be evaluated indicator = 1			
SECTION A: Quality Management System Requirements ISO 9001							
(Option 1) Valid certification of Quality Management System by an ISO accredited body							
						Apply =1	
A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant						0	
A.2 Certificate by Approved and Authorized certification authority						0	
A.3 Certification Authority has Recognized International Accreditation						0	
A.4 Validity (expiry date) of certificate						0	
Section A Score Option 1						0	
SECTION A : Quality Management System Requirements ISO 9001							
		Objective evidence of documented QMS that is not certified but complies with ISO 9001					
						Apply =1	
A.1 Quality Method statement based on scope. (Method Statement Template-Ref 240-126469599)						1	
A.2 Quality Policy Approved by top management.						1	
A.3 Quality Objectives Approved by top management.						1	
Section A Score Option 2						3	
SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)							
						Apply =1	
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	
Section B Score						2	
SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000)							
Customer specific requirements & other standards and required can be listed and evaluated here							
						Apply (Yes=1)	
E.1 Form A is completed and signed.						1	

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## ANNEXURE F:

### SAFETY REQUIREMENTS

<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
<b>A</b>	<b>OHS Legal Requirements to be met by Contractors at Execution Stage</b>		
1.	<b>1. Registration with South African Police Services</b> <ul style="list-style-type: none"> <li>Proof of registration as Second-hand dealer</li> </ul>	✓	
	<ul style="list-style-type: none"> <li>Proof of registration as Recycler</li> </ul>	✓	
2.	<b>Acknowledgement of Eskom's SHE rules,</b> Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) . Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory	✓	
3.	<b>SHE Competency; proof of the following training certificates.</b> <ul style="list-style-type: none"> <li>First aid level 2,</li> <li>Risk Assessor</li> </ul>	✓	
4.	<b>OHS Legal Appointment letters for the following persons</b> <ul style="list-style-type: none"> <li>First aid level 2,</li> <li>Risk Assessor</li> </ul>	✓	
5.	<b>Occupational, Health and Safety Plan (OHS Plan)</b> <ul style="list-style-type: none"> <li>This must be relevant to the Scope of work.</li> </ul>	✓	
6.	<b>Health and Safety Policy signed by the CEO or MD,</b> <ul style="list-style-type: none"> <li>Company Health and safety Policy signed by CEO or MD. The Health and safety Policy statement must be actionable.</li> </ul>	✓	
7.	<b>Occupational Health programme</b>	✓	

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<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
	<ul style="list-style-type: none"> <li>Valid Medical Fitness Certificate for all involved employees issued by the Occupational Medical Health Services/practitioner</li> </ul>		
8.	<b>Substance Abuse Management</b> <ul style="list-style-type: none"> <li>Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours</li> </ul>	✓	
9.	<b>Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA,</b> <ul style="list-style-type: none"> <li>Your COID must depict the correct/ relevant nature of business, e.g.Scrap Metal Dealer etc. Copy must be certified not older than 3 months at the date and time of the tender closing</li> </ul>	✓	
10.	<b>Baseline Risk Assessment</b> <ul style="list-style-type: none"> <li>Risk assessment should address all activities involved in collecting scraps.)</li> </ul>	✓	

## ANNEXURE G:

### ENVIRONMENTAL REQUIREMENTS

Number	Environmental Management System (EMS) Requirements	
1.	<b>Environmental Policy</b>	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.
2.	<b>Emergency preparedness plan (EPP)</b>	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details

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<b>3.</b>	<b>Waste Management strategy/Plan</b>	Waste management plan on how waste collected/bought will be Handled, Stored, Transported, Recycled, Reused will be managed. Note: Parts of the scraps that will be disposed should be done at licenced Municipal landfill sites
-----------	---------------------------------------	--

## ANNEXURE H:

### TECHNICAL EVALUATION CRITERIA

Technical evaluation is going to be two phase, desktop evaluation and site visit inspection. It will be an inherent requirement for each tenderer to demonstrate their technical capability to perform the requirement of the contract.

Technical evaluation criteria (100%)	Weight
<b>Approach and Methodology</b> <ul style="list-style-type: none"> <li>Does the contractor have necessary technical and mechanical ability, and have the acumen to manage and process the project quantities for the project?</li> <li>Does the contractor have experience of the industry and display an ethical track record in line with the Second-Hand Good Act?</li> <li>Is there confidence that the contractor will be able to perform in this contract effectively, efficiently, timeously, and economically?</li> </ul>	<b>100%</b>
<b>Total</b>	<b>100%</b>

The following criteria and their individual weight in % will be used for the evaluation of technical proposal.

Questions – Evaluation of a Scrap Dealer

**(RATE COMPANIES 1-5, 1 – POOR, 2 – FAIR, 3 – AVERAGE, 4 – GOOD AND 5 – EXCELLENT)**

**Scrap Dealer's Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

	1	2	3	4	5
Company Documentation					
Vat / Tax Certificate					
Registration at any relevant industry					
Second Hand Act Registration for scrap or recycling.					
Safety Policy					
Environmental Policy					
Safety File					

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Coida					
Site/ Yard Cleanliness					
Oil spills Kit					
Suitable Fire Fighting Equipment					
Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					
Type of trucks					
Number of Trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: \_\_\_\_\_

\_\_\_\_\_

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## **ANNEXURE I**

### **SECTION 37(2) AGREEMENT**

#### **CONCLUDED BETWEEN**

*Eskom Holdings SOC Limited*

#### **AND**

.....

**(Name of contractor/supplier)**

I, .....[(insert name of person representing contractor/supplier company)]representing ..... [insert name of contractor/supplier], do hereby acknowledge that ..... [insert name of contractor/supplier] is an employer in his/her own right, with duties as prescribed in the Occupational Health and Safety Act No. 85 of 1993 ("the Act"), as amended, and agree to ensure that all work will be performed and/or machinery or plant used in accordance with the provisions of the Act.

I undertake that ..... [insert name of contractor/supplier] shall strictly adhere to, and ensure that his/her employees adhere to, the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

I have been provided with SHE specifications for project/service .....[insert brief details of project/service, for example, name, contract/project number] ..... and will comply with the requirements set out in these.

I accept and agree that the SHE specifications constitute arrangements and procedures between ..... (insert name of contractor/supplier) and [insert name of subsidiary or Eskom Holdings SOC Limited] which will ensure compliance by ..... [insert name of contractor/supplier] with the provisions of the Act, as contemplated in section 37(2) of the Act.

This agreement constitutes the sole agreement between the parties, and no variation, modification, or waiver of any of the provisions of this agreement or consent to any departure from these shall, in any manner, be of any force or effect, unless confirmed in writing and signed by both parties, and such variation, modification, waiver, or consent shall be effective only in the specific instance and for the specific purpose and to the extent for which it was made or given.

This agreement is signed on behalf of the parties, each signatory to this warranting that he/she has the requisite authority to do so.

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Signed this ..... day of ..... 20 ..... at

..... (Place)

(Full Name)..... (Signature) .....on

behalf of ..... (Contractor/supplier)

**Contractor Responsible Manager** (responsible for signing the contract  
on behalf of the contractor/supplier)

Witnesses

1. ....

2. ....

Signed this ..... day of ..... 20 ..... at ..... (Place)

(Full name..... (Signature) ..... on

behalf of [insert name of subsidiary or Eskom Holdings SOC Limited]

**(Contracts and/or Project Manager or Representative)**

Witnesses

1. ....

2. ....

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