

	Transmission (Tx) Panels Request for Quotation (PRFQ)	Document Identifier	240-14309758	Rev	1
		Effective Date	18 March 2024		
		Review Date	March 2027		

ESKOM HOLDINGS SOC LTD

REQUEST FOR QUOTATION

FOR

All Cabling, Stringing, Earthing, Erection of Equipment; Installation of protection and telecoms panels and all related works as part of the Uppington 2nd Transformer Project at Uppington MTS

RFQ number	MWP2578TX
Issue date	10 June 2024
Closing date and time	10 July 2024
RFQ validity period	12 weeks from the closing date and time
Clarification meeting	A non-compulsory clarification meeting will be held on: Time: 10h00-12h00 Date: 26 June 2024 Venue: MS Team Tenderers will be able to connect via the below link: Join the meeting now Meeting ID: 315 636 802 769 Passcode: iXAzTb
	Microsoft Teams meeting Join on your computer, mobile app or room device.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Megawatt Park - Tender office North Side Maxwell Drive

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Dear Sir/Madam

LETTER OF INVITATION

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for All Cabling, Stringing, Earthing, Erection of Equipment; Installation of protection and telecoms panels and all related works as part of the Upington 2nd Transformer Project at Upington MTS

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

1. Free of charge

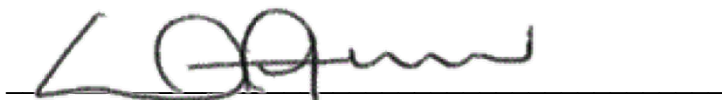
Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed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

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the Eskom Representative named in the RFP during the tender process. Tenderers must not in any way contact any Eskom employee who is involved in the tender during the tender process, either telephonically, by email or through private appointments before and after submitting tenders. Eskom employees not involved in this tender are not allowed to contact employees involved in this tender or provide information about the tender to potential tenderers. Where a potential tenderer or a tenderer has any question or query on the contents of the tender or any issue related to the tender, the first point of contact is the Eskom Representative whose name and contact details are stated in the tender document.

Should the tenderer not be satisfied with a response from the Eskom Representative stated in the tender document, and would like to escalate, the tenderer may refer the issue with to the Procurement Manager identified in the letter of invitation through the buyer. Should the tenderer still be dissatisfied, it can then escalate the matter to the Middle Manager or Senior Manager Procurement. Escalation of tender issues to the Group Executives or Group Chief Executive Officer is an avenue of last resort and tenderers should refrain from escalating tender issues to this level without following the escalation process set out above. Escalation not following the above process is not acceptable and will not be attended to.

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

Yours faithfully



Procurement Manager : Lungile Gcwensa

Date: 10.06.2024

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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Supplier performance evaluation	Annexure L	Y

1.2 Tender Data

Number	Tender Data
1.2.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Ntsako Chauke E-mail: ChaukeNA@eskom.co.za 1st tier Escalations can be directed to: Name: Lungile Gcwensa E-mail: gcwenslg@eskom.co.za 2nd tier Escalations can be directed to: Name: Frans Poee E-mail: PoeeF@eskom.co.za
1.2.2 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
1.2.3 Flagging of suppliers	FLAGGING OF SUPPLIERS: Flagging of supplier is a process where a “flag” is placed on a supplier in respect of the following: • Checking of suppliers status prior to submission of quotes Panel suppliers are required to check their status with Vendor management prior to submission of quotations. A supplier is contractually obliged to notify Eskom of any official changes to its legal name, changes to its legal persona, ownership and management, and

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	any cessions of rights and delegation of obligations in terms of contracts with Eskom. Where a supplier undergoes a name change without changes to its legal persona, ownership and / or management, then such a name change must be duly notified to Eskom within 30 days thereof. All appropriate documentation confirming the name change, together with all updated documentation containing the supplier's new name must be submitted to Eskom. The supplier's registration number will not be changed in this instance. Where a registered supplier undergoes a merger /acquisition between various entities and / or a change in ownership and / or management, then such a supplier is obliged to notify Eskom of the change, within 30 days thereof. Failure to notify Eskom of such a change may result in the supplier not being paid due to the new name and new banking details. Where a supplier duly notifies Eskom of such change, such notification must be accompanied by a new application to register as a supplier on the Eskom Supplier Database. The supplier, in its new form, must re-apply to be registered on the Eskom Supplier Database, against appropriate supporting documentation. The supplier will receive a new supplier number. Changed banking details, company registration documents and certified letters from suppliers will be required in order to re-register. The record on the system will be changed to reflect the new details. In the case of changes to the legal persona of the supplier of an existing contract, a due diligence needs to be conducted. This entails Transmission identifying possible risks due to the change to the supplier's legal persona and requesting documents to their satisfaction from the supplier. The following due diligence checks must be completed: 1. The Legal Department must determine any risk in terms of possible changed liabilities and indemnities; 2. The SHEQ department must ensure that the changed entity can still fulfil the requirements as set out in the contract document; 3. Technical must ensure that the changed entity still has the capabilities and capacity to execute the contract; 4. The Procurement Practitioner must ensure that all applicable certificates are valid and in the name of the changed entity; 5. SDL&I will determine if the changed entity has the same or a better level of B-BBEE as at contract award stage. If not the same or better,
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	then conditions may be stated in the modification (which will be part of the contract) to meet the same level or better within a certain period; 6. The Finance Department must ensure that there is no financial risk to Eskom. Where due diligence is required in terms of the requirements above and a supplier has responded to the RFQ with the potential of being the successful tenderer for the RFQ, The Employer may elect to consider the second highest ranked tenderer from the evaluation process for award of the task order. The contact person for Vendor Management services is: Name: Hlekani Motjiyeng +27 11 621 3076 motjiyhb@eskom.co.za
1.2.4 Tender Closing	The deadline for Quotation submission is: Date 10 July 2024 Time 10h00 Late Tenders will not be accepted.
1.2.5 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 10 working days before the deadline for tender submission.
1.2.6 Evaluation of price	Prices will be evaluated as follows: • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes. • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected. • Prices will be scored out of 80 points
1.2.7 Evaluation of Specific Goals	Specific goals/preference points will be scored out of 20 points in accordance with Eskom Procurement and Supply Chain Management Procedure.

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The following specific goals score card applies:

B-BBEE	Number of Points (80/20 system)
	For procurement above R30 000 up to R50 million
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

To claim preference points as specific goals/preference points, a tenderer must submit the following documentation:

- Valid B-BBEE certificate issued by a B-BBEE verification professional/ an affidavit/ CIPC affidavit.
- Proof of ownership/ shareholding (preferably CIPC documentation) inclusive of shareholding breakdown,
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable).

A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but-

- may only score points out of 80 for price
- scores 0 points out of 20 for specific goals.

NOTE:

Failure on the part of a supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.

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1.2.8 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: - 80/20 price and specific goals will apply. Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest. Please note: - Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA.																	
1.2.9 Objective Criteria	Objective criteria is applicable. SDL&I obligation Skills development <table><tr><td>Stringers</td><td>4</td><td></td></tr><tr><td>Cable Jointers</td><td>4</td><td></td></tr><tr><td>Trainee Supervisor</td><td>1</td><td></td></tr></table> Jobs. Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract. <table><tr><th>Type of Jobs to be created</th><th>Number of Jobs to be created</th></tr><tr><td></td><td></td></tr></table> <table><tr><th>Type of Jobs to be retained</th><th>Number of Jobs to be retained</th></tr><tr><td></td><td></td></tr></table> Section 4: SDL&I Penalty and Performance Security Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.	Stringers	4		Cable Jointers	4		Trainee Supervisor	1		Type of Jobs to be created	Number of Jobs to be created			Type of Jobs to be retained	Number of Jobs to be retained		
Stringers	4																	
Cable Jointers	4																	
Trainee Supervisor	1																	
Type of Jobs to be created	Number of Jobs to be created																	
Type of Jobs to be retained	Number of Jobs to be retained																	

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	As security for the fulfilment of all SDL&I obligations, Eskom will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&I performance reports every quarter; or failure to meet the SDL&I obligations in a contract.
1.2.10 Contractual Requirements	Contractual Requirements include the following: Financial Statements analysis, SDL&I Penalty (Retention) Eskom will apply a 2.5% retention of the contract value for the Contractor's failure to meet SDL&I obligations for the duration of the contract. It will become a penalty if the Contractor fails to achieve these obligations at the end of the contract. Corporate Social Investment Corporate social investment (CSI) is a form of corporate social responsibility, which is a company's overarching approach or strategy for improving the social, environmental and economic well-being of our communities or societies at large. Eskom through its corporate social initiatives and development programmes has over time contributed significantly towards the upliftment of many impoverished communities. Eskom also encourages and contractually commits its business partners to do the same so that the lives in those communities are improved and uplifted. The Contractor is required to spend 0.5% (half a percentage) of the contract value of project(s). The Contractor must in co-operation with the Eskom Project representative, identify value added initiative/s to achieve the aim of leaving legacies and geographical footprints in the project area and local communities. Eskom will approve the CSI projects prior to the contractor executing them. CSI projects must be identified in consultation with Eskom and Local Stakeholders and be implemented within the first 6 months of the project commencement. Failure for the contractor to comply with these requirements, relevant penalties will be imposed. In the event that the Contractor fails to spend the monies allocated to CSI, Eskom will have the right to deduct the allocated spend from the Contractors Payment Certificate(s) and

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	transfer such funds to the Eskom Development Foundation for the execution of the relevant CSI Project(s).
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Please note:

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

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.

“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**

1.3 TENDER RETURNABLES

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

NOTE:

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	One (1) copy original and one (1) copy of the original copy (hardcopies)	✓		
Annexure C	Integrity Pact Declaration form		✓	
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure I	SBD 4 – Bidders Disclosure		✓	
Supplier Development Localization & Industrialization (SDL&I)	Attached SDL&I Strategy / undertaking will apply.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓	
Compliance with Employment Equity Act	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)		✓	
NEC3 Documentation	Part two - Data provided by the <i>Contractor</i> , and Completed BOQ	✓		

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Due Diligence	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. Public Interest Score & ITA34C(Tax return) for the same accounting period as the annual financial statements (only applicable to South African Organizations that are not required to audited by Companies Act 71 of 2008)		✓	
Project Schedule	The successful tenderer will be required to submit programme in accordance with NEC Core clause 31.2 Contractor's schedule integrity requirements practice notice 240-53207174 and NEC Works information clause 2.6.		✓	
Project Stability Stakeholder Management	Stakeholder Management A signed copy of the company's stakeholder management guideline indicating the stakeholder responsibility accountability. The guideline should indicate how the contractor intends to collaborate with different stakeholders that include government department, municipalities, business organisations, community-based organisations, impacted project communities. The guideline to be in-line with the Eskom Stability Guideline. Samples of, or confirmation of how the contractor has or will do stakeholder management element that indicate Stakeholder Management Plan, Stakeholder matrix and Implementation Schedule and Stakeholder impact assessment tool Integration Structures Frameworks for platforms/ mechanisms to be used for the integration and cooperation of stakeholders (internally & externally). Community Liaison A signed copy of the Project Community Liaison protocol that is indicative of integration points with Eskom Project Stability Personnel Risk Management Methodology to identify reputational risk and analyse, mitigate and track such risks with a sample risk analysis and progress reports. This to reflect methodology for project issue and incident management.			

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	Communication Protocol A signed copy of the Project Communication Protocol reflective of employee communication, stakeholder communication, Media Management, Spokesperson guidelines and Project Branding Protocols that include project signage, uniforms and vehicles Project closeout strategy for external stakeholders Employee Induction Contractor Induction Program, which includes project stability as a focus area. Contractor Industrial Relations Policies, Procedures and Standards. This should include the Industrial Action Management Procedure Methodology to proactively identify risks to Project Labour Stability. Description of the Operating Procedures for the Employee Engagement Forum the Contract Plans to implement manage communication flow between management and employees.	
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	Recruitment of Contractor Personnel Recruitment by the <i>Contractor</i> will support the principle of localisation. Employees from <i>the Local Community</i> must be given preference in any recruitment process relating to General Workers. In any other category of skills. Employees from the Local Community that are <i>Competent Persons</i> must be given preference, unless stated otherwise. Accommodation of contractor personnel The Accommodation of <i>Contractors</i> personnel must support the principle of localisation by providing opportunities to the <i>Local Business / Community</i>. It is advisable that the contractor should look for employee accommodation outside the 30 km radius of the construction site. This is aimed at minimising risk of employees being targeted by rioting communities when there are dissatisfactions that may cause vulnerability to the project Transportation of contractor personnel The Transportation of <i>Contractors</i> personnel must support the principle of localisation by means of the appointment of service providers from <i>Local Business / local transport associations / industry</i> that has operating licence within the project jurisdiction. Local associations will always be prioritised unless there are no registered transport associations in the area The Transportation of <i>Contractor</i> personnel must meet the Eskom transportation safety standard and will be assessed by mandated personnel before operating In order to promote and foster cordial working relationships, the <i>Contractor</i> must make use of local transport service providers to shuttle contractor personnel to and from project site. The <i>Contractor</i> is advised to contact taxi association(s) local to the project site to determine transporting options and the current rates thereof. Participation of local Small Medium Micro Enterprises (SMMEs) The <i>Contractor</i> must play an active role in driving transformation of industries, upliftment of communities, and society at large in line with the South African socio-economic legislative framework which seeks to promote	
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	social cohesion, social justice, economic transformation and empowerment. The <i>Contractor</i> must do so by purchasing / securing consumables, goods, transportation of personnel, accommodation of personnel, or other goods and services not listed below from the <i>Local Community / Local Businesses</i> at market related prices. In the event that the <i>Contractor</i> procures any good or services referred to in the paragraph above by means of sub-contracting, the provisions of this paragraph will apply to such sub-contractor. It is mandatory that the <i>Contractors</i> source from local to site SMMES, some of the Core commodities that can be indicated and Support Services required which include but not limited to, Facilities Hire & Management, Trucking and Logistics, Vegetation Management, Safety, Garden Services, Specialist Botanical services, Waste removal, Security, Cleaning, Ablution facilities, Electrical consumables, Stationery, Plumbing, Paving, Supply of concrete, Bush clearing, PPE, COVID 19 equipment. However, it's should be note that these can be sourced elsewhere if local suppliers are unable to provide these services and proof to that effect will be supplier when required In consultation with Eskom and impacted local municipalities, an expression of interest workshop will be conducted a month before site establishment by the contractor. The objective of the Worksop is to introduce the project to local SMMES, to outline core and support commodities and services that will be required by the project as well as how to do business with the contractor. An expression of interest workshop should be conducted by the contractor prior site establishment to introduce the project and to outline commodities to be outsourced by the contractor. This will result to a comprehensive database of local companies that may be approached for goods and services.	
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ANNEXURE C

INTEGRITY DECLARATION FORM

DECLARATION OF INTEREST

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

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	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 <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> The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	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) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	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		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

(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 H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

1. To be completed by the organ of state

(Delete whichever is not applicable for this tender).

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

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1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

3. DEFINITIONS

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

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

3.1.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

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90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

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

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1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

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

DECLARATION WITH REGARD TO COMPANY/FIRM

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

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3. TYPE OF COMPANY/ FIRM

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

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

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 1. disqualify the person from the tendering process;
 2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 5. forward the matter for criminal prosecution, if deemed necessary.

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.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

1. If so, furnish particulars:

.....
.....

3. DECLARATION

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

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

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

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

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

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

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

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3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

1. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

..... Signature	 Date
..... Position	 Name of bidder

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ANNEXURE L

SUPPLIER PERFORMANCE EVALUATION

Supplier Performance Review Clause on contracts

When entering into a contract with Eskom, contractor/ supplier performance management will be done to realize the contemplated outcomes. Eskom will monitor the performance of the contractor/supplier for the duration of the contract, as part of the contractor performance review process. The contractor/supplier agrees to participate in the performance evaluation that Eskom has adopted. Eskom will use a performance evaluation tool attached as Appendix - TPD Contractor Evaluation Tool Rev 16_excel as the basis for assessing whether the contractor/supplier has met the performance expectations applicable to the awarded contract. Eskom will periodically review the performance of the contractor/supplier as and when required at any stage while the contract remains in force.

The performance tool (Appendix - TPD Contractor Evaluation Tool Rev 16_excel) sets out:

- The performance objectives and targets that must be met by the contractor/supplier in accordance with the weighting allocated to each objective.

Eskom will inform the contractor/supplier about the specific performance indicators that will be included in the performance management system as applicable to the contractor/supplier.

The performance schedule or agreeing to participate in the performance management system shall not diminish the obligations, duties or accountabilities of the contractor/supplier in terms of the contract or other rights of the Employer.”

Appendix - TPD Contractor Evaluation Tool Rev 16_excel identifies the minimum threshold that must be achieved and maintained. Failure to achieve and maintain a minimum score as stipulated in the tool, Eskom reserves its rights to refer the contractor/supplier to place an embargo/moratorium on the contractor/supplier to receive further contracts with Eskom.

Controlled Disclosure

Anonymously report fraud, corruption at 0800 11 2722/ forensic@eskom.co.za

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