

	Request for Proposal (RFP)	Template Identifier	240-43921804	Rev	6
		Document Identifier	240-114238630	Rev	10
		Effective Date	03 March 2020		
		Review Date	March 2023		

ESKOM HOLDINGS SOC LTD
REQUEST FOR PROPOSAL (RFP)
FOR

**THE PROVISION OF LOGISTICS AND SAFETY MANAGEMENT SERVICES FOR
ESKOM'S COAL AND LIMESTONE TRANSPORTATION FOR A PERIOD OF
THREE YEARS WITH AN OPTION TO EXTEND FOR A FURTHER TWO YEARS**

RFP number	GEN 3412
Issue date	28 January 2022
Closing date and time	21 February 2022 at 10h00
Tender validity period	60 (sixty) weeks from the closing date and time
Clarification meeting	<p>Due to covid restrictions the noncompulsory clarification meeting will be held remotely using the Microsoft Teams platform:</p> <p>Date: 10 February 2022 Time: 10h00 Venue: Microsoft Teams</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>Address: The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton</p> <p>Closing Date and Time: 21 February 2022 at 10h00</p>

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Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a proposal for the provision of logistics and safety management services for a period of three years with an option to extend for a further two years.

The enquiry documents are supplied to you on 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/proposal by you in response to this RFP will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

Queries relating to this RFP document may be addressed to the Eskom Representative:

Name: Melody McCurrach

Tel : (011) 800 2660

E-mail: Mcurram@eskom.co.za

Yours faithfully



Precious Edward-Pesha

General Manager: Fuel Sourcing (Acting)

Date: 28/01/2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexures	Attached
6.1	Acknowledgement form	Annexure A	Yes
6.2	Tenderer's particulars	Annexure B	Yes
6.3	Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Yes
6.4	CPA Requirements for Local Goods/Services	Annexure D	Yes
6.5	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure E	Yes
6.6	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure F	Yes
6.7	Supplier Development & Localisation (SDL&I) Undertaking	Annexure G	Yes
6.8	Eskom's Standard Conditions of Tendering	Annexure H	Yes
6.9	Price Schedule	Annexure I	Yes
6.10	Scope of Work	Annexure J	Yes
6.11	Health and Safety Requirements	Annexure K	Yes
6.12	Authority to Submit a Tender	Annexure L	Yes
6.13	NEC Contract	Annexure M	Yes
6.14	Tamper Evident Seal Management Procedure	Annexure N	Yes
6.15	Road Deliveries Queue Management Procedure	Annexure O	Yes
6.16	Road Coal Haulage Route Monitoring Procedure	Annexure P	Yes
6.17	Vehicle Inspection Checklist	Annexure Q	Yes
6.18	Eskom Vehicle Safety Specification	Annexure R	Yes
6.20	Eskom Personal Protective Equipment	Annexure S	Yes

- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Request for Proposal** then the tenderers are required to download this from www.eskom.co.za. The "**Tender Data**" as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

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Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Melody McCurrach Tel: 084 5555 061 E-mail: Mcurram@eskom.co.za</p>
1.3 Enquiry documents	<p>The RFP number is: GEN 3412.</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of RFP	This RFP is an open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a proposal if:</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one proposal either individually or as a partner in a joint venture (JV) or consortium. • Proposals submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this RFP process, if : <ul style="list-style-type: none"> (a) they have a controlling partner/majority shareholder in common; or (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the

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	<p>tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</p> <ul style="list-style-type: none"> • Tenders signed by non-authorized persons. • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers). • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations. • Any tenderer that is restricted by National Treasury. • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2-2.5 Tender Closing	<p>The deadline for RFP submission is: Date 21 February 2022 Time 10h00</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: THE TENDER OFFICE The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton</p>
2.9 Copy of original tender	<p>The proposal shall be submitted as 2 (two) separate hard copy files, i.e. 1 (one) original tender and (1) one copy of the original. Failure to submit 2 (two) separate hard copy files of the proposal i.e. 1 (one) original tender and 1 (one) copy of the original at tender submission deadline will result in the tender being declared non responsive and will be disqualified, i.e. will not be evaluated further.</p> <p>One (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>Note:</p> <ul style="list-style-type: none"> ▪ The hard copies take precedence over the soft copies. ▪ Tenderers will not be disqualified if they do not submit a soft copy.
2.13 Tender Validity Period	<p>The tender validity period is 60 (sixty) weeks from the closing date and time.</p>
2.16 Clarification meeting	<p>A noncompulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 10 February 2022 Time: 10h00 Venue: Microsoft Teams</p>

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	<p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee by the latest 17h00 on 08th February 2022.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission.</p>
2.23 Alternative tenders	<p>Alternative tenders are not allowed.</p>
2.25 Conditions of contract	<p>The conditions of contract will be the NEC Contract.</p>
2.31 Provision of security for performance	<p>Not Applicable</p>
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on:</p> <p>Place: The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton</p> <p>Date: 21 February 2022 Time: 10h00</p>
3.5 Prices to be read out	<p>Prices will not be read out.</p>
3.9 Basic Compliance	<p>Basic compliance for this RFP are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer. • Submit two (2) separate hard copy files i.e. 1 (one) original tender and 1 (one) hard copy of the original to Eskom • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective RFP will be deemed non-responsive.</p> <p>Tenderers must ensure that where required, annexures are completed and signed when submitted. Tenderers who do not adhere to this requirement will be disqualified.</p>
3.11 Pre-qualification criteria	<p>Pre-qualification criteria applicable:</p> <p>The following mandatory pre-qualification criteria are applicable herein:-</p> <p>Eskom has taken the decision to include pre-qualification of 30% subcontracting based on potential scope to be subcontracted.</p>

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	<p>Therefore the successful supplier will be required to subcontract 30% of their contractual value to small and medium companies with experience and capable and competent in this industry.</p> <p>The main contractor will select from the following designated groups that are not part of their subsidiaries or having shares in that company, CSD registration shall be as follows:</p> <ol style="list-style-type: none"> 1. a tenderer subcontracting a minimum of 30% to: <ol style="list-style-type: none"> i. an EME or QSE which is at least 51% owned by black people who are youth; ii. an EME or QSE which is at least 51% owned by black people who are women; iii. an EME or QSE which is at least 51% owned by black people with disabilities; 2. A subcontracting agreement and Sub-contractors valid B-BBEE sworn affidavit or B-BBEE certificate should be submitted by tender close. <p>If the relevant documentation/information as stipulated in the enquiry is not submitted; said tenders will be disqualified.</p>
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3.13 Functionality requirements	<p>Functionality requirements are applicable.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Criteria</th> <th style="text-align: center;">Weight</th> </tr> </thead> <tbody> <tr> <td>Technical requirements</td> <td style="text-align: center;">100%</td> </tr> <tr> <td>Threshold</td> <td style="text-align: center;">70%</td> </tr> </tbody> </table> <p>Tenderers who do not meet the 70 (seventy) percent threshold for functionality scoring will be disqualified and not be evaluated further.</p>	Criteria	Weight	Technical requirements	100%	Threshold	70%
Criteria	Weight						
Technical requirements	100%						
Threshold	70%						

TECHNICAL EVALUATION CRITERIA	SCORING CRITERIA	POINTS
1. Key Personnel and Experience relating to the provision of the service (Copies of CVs and Proof of qualification/s to be submitted)	<p>Organisational Structure (Organogram of key departments and personnel relevant to the provision of the service. Management, operational, supervisory, technical, Safety, Health, Environmental and Quality (SHEQ) management structures at a minimum, must be represented for scoring)</p> <p>Organogram Submitted (5 points) Organogram not Submitted (0 points)</p>	/5

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<p>Contract Manager Experience: Minimum 10 years as Contract Manager Qualification: Minimum - NDip Transportation Management or Logistic management or equivalent qualification based on equal or higher NQF levels.(10 points) Requirement not met (0 Points)</p>	/10
<p>Operation Manager Experience: Minimum 10 years as Operations Manager Qualification: Minimum - NDip Transportation Management or Logistic management or Transportation Economics or equivalent qualification based on equal or higher NQF levels. (10 Points) Requirement not met (0 Points)</p>	/10
<p>Safety Officer Experience: Minimum 5 years as a Safety Officer Qualification: Minimum NDip Health and Safety or equivalent qualification based on equal or higher NQF levels., registered with SACPCM (5 points) Requirement not met (0 Points)</p>	/5
<p>Environmental Officer Experience: Minimum 5 years as Environmental Officer Qualification: Minimum NDip in Environmental Management or equivalent qualification based on equal or higher NQF levels, registered with the Council (5 points) Requirement not met (0 Points)</p>	/5
<p>Quality Officer Experience: Minimum 3 years as Quality Officer Qualification: Minimum NDip in Quality or equivalent qualification based on equal or higher NQF levels. (3 point). Requirement not met (0 Points)</p>	/3
<p>Truck Roadworthy Inspector Experience: Minimum 2 years as a Qualified Diesel Mechanic Qualification: Minimum Qualified Diesel Mechanic (Artisan Status as prescribed by Department of Labour) (2 Points) Requirement not met (0 Points)</p>	/2

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2. Relevant Company Experience as a Logistics Service Provider in the bulk materials road freight industry: (Copy of appointment letter, signed reference letter or supporting evidence with client details, demonstrating the following services: <ul style="list-style-type: none"> • Safety, tamper evident seal and queue management services • Vehicle monitoring and reporting services, including GPS tracking • Transporter safety management services, including driver safety inductions and vehicle roadworthy inspections • Operational data capture and reporting, and logistics advisory services 	Value of contracts with similar scope and complexity (A maximum of four (4) contracts will be assessed in order to determine the combined contract value. At least three (3) of the listed services must be demonstrated in the combined contracts submitted) Combined Annual Contract Value less than R15.0M (0 Points) Combined Annual Contract Value greater or equal to R15.0M but less than R25. (5 Points) Combined Annual Contract Value greater or equal to R25.0M but less than 50.0M (10 Points) Combined Annual Contract Value greater or equal to R50.0M but less than R100.0M (15 Points) Combined Annual Contract Value greater than R100.0M (20 points)	/20
	Number of contracts held as a Logistics Service Provider with all four (4) listed services demonstrated in each contract. 0 Contracts (0 Points) 1 Contracts (5 Points) 2 Contracts (10 Points) 3 Contracts (15 Points) 4 Contracts (20 Points)	/20
3. Facility to perform truck roadworthiness inspections centrally to operations. (Support letter / facility lease agreement, outsourcing intent agreement to be submitted)	Facility within 10km radius of either Emalahleni, Bethal, Middelburg, Delmas CBD submitted (10 points), Facility exist but not in above designated areas (5 Points) Requirement not met (0 Points)	/10
4. Facility to perform Employee and driver safety induction training centrally to operations. (Support letter / facility lease agreement, outsourcing intent agreement to be submitted)	Induction training Facility within 10km radius of either Emalahleni, Bethal, Middelburg, Delmas CBD submitted, with a minimum seating capacity of 20 (10 points), Facility exist but not in above designated areas (5 Points) Requirement not met (0 Points)	/10
Total Score Achieved		/100

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The following proof will be required from the tenderers:

Number	Evaluation Criteria	Documentary Proof Required
1. Key Personnel and Experience	Key Personnel and Experience	Organogram, CV's, Qualifications
2 – Relevant Company experience on contracts of similar size and complexity	Relevant Company Experience	Copy of appointment letter/ reference letter contact details
3. Ability to perform truck roadworthiness inspections centrally to operations.	Facility to perform truck roadworthiness inspections	Support letter or facility lease agreement or outsourcing intent agreement
4. Ability to perform Employee and driver safety induction training centrally to operations.	Facility to perform Employee and driver safety inductions	Support letter or facility lease agreement or outsourcing intent agreement

3.15 Evaluation of price

Prices will be evaluated as follows:

- Inclusive of VAT.
- Making the specified correction for arithmetical errors.
- Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.

Prices will be scored out of 90 points.

3.17 Evaluation of B-BBEE

B-BBEE status will be scored out of 10 points in accordance with PPPFA.

If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 90 points for price and will score 0 points for B-BBEE level /status (out of 10)

3.18 Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-

- 90/10 (for estimated values above R50M inclusive of VAT)

Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.

3.19 Objective Criteria (if applicable)

Objective criteria are not applicable

Contractual Requirements (if applicable)

Contractual Requirements include but is not limited to the following :

- Health and Safety Requirements:
See requirements under Tender Returnables.
- Environmental Requirements:
See requirements under Tender Returnables.
- Financial Requirements:
See requirements under Tender Returnables.

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Contractual requirements will not be evaluated but will become a requirement in the contract. Failure to meet contractual requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.

Please note:

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed market-related.

Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a main contractor subcontracts with a subsidiary this must be declared in tender documents.

A report containing a list of potential sub-contractors may be drawn by accessing the following link: www.csd.gov.za

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Tenderers must ensure that where required, annexures are completed and signed.			
Basic Compliance	Two separate files i.e. one (1) original and one (1) copy of the original	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<p>Pre-qualification criteria :</p> <ul style="list-style-type: none"> B-BBEE levels/EME/QSE Sub-contracting to designated groups <p>Please Note that : “proof of B-BBEE status level of contributor” means-</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p> <p>If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; the respective tenderer must be disqualified</p>	<p>“proof of B-BBEE status level of contributor” means:-</p> <p>Failure on the part of the 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 and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p>	✓	
	CSD number	✓	
	Signed Sub-contracting agreement by both parties	✓	
	“Proof of B- BBEE status level of contributor” for sub-contractor belonging to designated group	✓	
	Any other supporting documents to verify the status of the main contractor or sub-contractor (as may be stipulated in 3.11)	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Annexure C	Integrity Pact Declaration Form	✓	
Annexure D	CPA for local goods/services		✓
Annexure E	SBD 1 – Invitation to Bid	✓	
Annexure F	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I:	Price Schedule	✓	
Annexure L:	Authority to submit a Tender	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	“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; (as may be applicable for the particular tendering entity) Failure on the part of the 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	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
	other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.		
	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.		✓
**“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;	Failure on the part of the 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 and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
Tax Clearance Certificates	SARS e-filing number and CSD profile/CSD number.		✓
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)		✓

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
NEC Documentation	Completed NEC pricing schedule and contract data.		✓
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
ENVIRONMENTAL REQUIREMENTS			
1	Organogram or structure of the organisation indicating the position to fulfil environmental management		✓
2	Environmental risk assessment		✓
3	Environmental costing		✓
HEALTH AND SAFETY REQUIREMENTS			
1 - Annexure K	Signed Annexure K		✓
2	Letter of Good Standing (COIDA or equivalent)		✓
3	Baseline OHS Risk Assessment (BRA)		✓
4	Costing for Health and Safety Management		✓
5	OHS Policy signed by CEO		✓
6	Health and Safety Plan		✓
7	OHS Competency		✓
SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION			
1 – Annexure G	Supplier Development, Localisation and Industrialisation (SDL&I) Undertaking (Completed and signed)		✓
2	Signed Sub-contracting agreement by both parties	✓	
3	Sub-contractors B-BBEE certificate / sworn affidavit	✓	
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		✓

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
	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.		
DOCUMENTS REQUIRED UNDER FUNCTIONALITY CRITERIA, TENDERERS WHO DO NOT SUBMIT THESE MANDATORY RETURNABLES BY TENDER CLOSING WILL NOT RESULT IN DISQUALIFICATION, THE TENDERER WILL HOWEVER, BE SCORED ZERO			
1	Key Personnel and Experience – Documentary Proof Required: Organogram, CV, Qualifications	✓	
2	Relevant Company Experience – Documentary Proof Required: Copy of appointment letter/reference/reference letter contact details	✓	
3	Facility to perform truck roadworthiness inspections Documentary Proof Required: Support letter or facility lease agreement or outsourcing intent agreement	✓	
4	Facility to perform Employee and driver safety inductions Documentary Proof Required: Support letter or facility lease agreement or outsourcing intent agreement.	✓	

Functionality will be evaluated on a total weight of 100% with a minimum threshold of 70%. The following is an overview of the functionality criteria:

Functionality Criteria	Maximum number of points percentage
Technical requirements	100%

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Overall minimum threshold for functionality to proceed to the next phase	70%
--	-----

Note:

- Tenderers who do not meet the threshold for technical scoring will be disqualified.
- Eskom may request the shortlisted tenderers to provide a full cost breakdown of their tendered price.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____

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

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

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement:

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

1. We agree to provide the cataloguing information as described in the *tender submission*.
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [*insert previous invitation to tender/RFQ number*] _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

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Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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ANNEXURE B

TENDERER'S PARTICULARS

The *tenderer* must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):	
Individual tenderer	
Unincorporated Joint venture (registration number for each member of the JV)	
Incorporated JV	
Other	

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

Name of contractor	
CIPC Registration number	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom._____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____

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3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

8.1 Confirm if you intend sub-contracting

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

8.2 What percentage will you be sub-contracting? _____%

8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. _____

8.4 Please confirm B-BBEE level of said sub-contractor _____

8.5 Which designated group does the sub-contractor belong to:-

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

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If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and
- **a juristic person is “related” to another juristic person if :-**
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes/No	No
1.1	<p>Is the tenderer/s(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</p> <p>[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].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the tenderer/s (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?</p>		
1.3.1	Provide details.		
1.4	<p>Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		

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1.5	<i>Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?</i>			
-----	--	--	--	--

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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(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 D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:

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

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1. The index list comprises indices that could be used in the Tenderers main offer.

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. NUMBER OF FORMULAE & INDICES

- The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

6. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:
The mean

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

The Cash Settlement or Cash Sellers Price

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

8. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer

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Table 1: Preferred Local Index List

Cost Element	Weighting	Index and Source Table
Other	85%	Stats SA CPI Headline Items (P0141 Table A all items)
Fixed	15%	Not applicable
Total	100%	

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

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ANNEXURE E

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
---	--	--	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
 DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

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

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....

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Annexure F

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is

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adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

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7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted%?
- ii) The name of the sub-contractor
- iii) The B-BBEE status level of the sub-contractor
- iv) Whether the sub-contractor is an EME or QSE **(Tick applicable box)**

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of _____ company/firm:.....

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8.2 VAT registration
number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

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- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
- (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--	---

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