 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

**THE SUPPLY AND DELIVERY OF C&I CRITICAL SPARES TO KRIEL POWER STATION
ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 5 YEARS**

Tender number	MPKRI11166GX
Issue date	03 June 2024
Closing date and time	17 July 2024 at 10h00
Tender validity period	120 days from the closing date and time
Tender Clarification meeting (non-compulsory)	Date: 18 June 2024 Time: 11:00 – 12:30 Microsoft Teams meeting Click on the below link to join the meeting Join the meeting now Join on your computer, mobile app or room device Meeting ID: 387 051 318 435 Passcode: Uo4FpE Download Teams Join on the web Or call in (audio only) +27 21 834 0825,,231866322# South Africa, Cape Town Find a local number Phone conference ID: 231 866 322# For organizers: Meeting options Reset dial-in PIN Learn More Meeting options
Tenders are to be delivered to the following address on the stipulated closing date and time:	ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

INVITATION TO TENDER

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites all to submit a *tender* for the supply and delivery of C&I Critical Spares to Kriel Power Station on an as and when required basis for a period of 5 years.

Tender Closing: 17 July 2024 at 10h00

The tenderer to note the Designated Material Local Content (Department of Trade and Industry) applies: 100% Plastic Pipes or DTI exempt letter

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

The tender is advertised on the Eskom Tender Bulletin (www.eskom.co.za) and National Treasury e-portal (www.etenders.gov.za) and documents to be obtained from these websites. The enquiry documents are free of charge.

A clarification meeting is arranged per MS Teams for Monday, 17 June 2024 at 10h00.

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.

A negotiation meeting will be arranged upon receipt of your tender offer.

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

Yours faithfully



Louis Mariri
Procurement Manager (Acting)
Kriel Power Station

Date: 31 May 2024

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX


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)
Commercial			
1.1.1	*Acknowledgement form	Annexure A	Yes
1.1.2	Acknowledgement Form: Reverse E-auctioning Training (240-143120319)	Annexure A.1	Yes
1.1.3	Definition of Reverse E-auctioning	Annexure A.2	Yes
1.1.4	*Tenderer’s particulars	Annexure B	Yes
1.1.5	*Integrity Declaration Form	Annexure C	Yes
1.1.6	*CPA Requirements for Local Goods/Services	Annexure D	Yes
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
1.1.8	*SBD 4 – Bidders Disclosure	Annexure I	Yes
1.1.9	Authority to Submit a Tender	Annexure L	Yes
1.1.10	Employment Equity confirmation		Yes
1.1.11	NEC3 SC Clause deviation schedule		Yes
1.1.12	NEC Supply Contract, including clauses, conditions, and goods information		Separate documents published
1.1.13	240-62044728 Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 10		
1.1.14	Code of Ethics 32-527		
1.1.15	Supplier Integrity Pact 240113650212 Rev 2 June 2028		
1.1.16	Non-Disclosure Agreement		
1.1.17	Supplier Declaration of Interest		
1.1.18	e-Auction User Guide for Prospective Bidders		
Supplier Development Localization and Industrialization			
1.1.19	SDL&I Undertaking		Yes
1.1.20	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Yes
1.1.21	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F1	Yes

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		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	Annexure C-Local Content Declaration- Summary Schedule	Annexure F2	
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	
	Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F4	
1.1.22	Affidavit Example		Separate document
Quality			
1.1.23	Quality Form A complete and sign		Separate documents
1.1.24	240-126469599 Method Statement template Rev 6		
1.1.25	Supplier 240-1056658000 QM 58		
Safety & Health			
1.1.26	Safety Annexure B 240-77471499 Rev 3 SHE Rules		Separate Documents
1.1.27	Safety Annexure C1 240-77471969 Rev 1 July 2014		
1.1.28	Safety Contractor Health & Safety Requirements 32-136		

1.2 Tender Data

The Tender Data makes several references to the **Eskom Standard Conditions of Tender Rev 10**, and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender**; then the tenderers are required to download this from www.eskom.co.za. 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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		Effective Date	February 2023		
		Review Date	February 2028		


MPKRI11166GX

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is: Name: Annali Botha Address: Procurement Department, Kriel Power Station Tel: 017 615 265 Fax: 086 663 0643 E-mail: bothaAB@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MPKRI11166GX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	<p>Multiple contracts might be awarded depending on the outcome of the e-auction process</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ol 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 tender either individually or as a partner in a joint venture (JV) or consortium Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.

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		Review Date	February 2028		


MPKRI11166GX

	<p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if :</p> <ol style="list-style-type: none"> 1. (a)they have a controlling partner/majority shareholder in common; or 2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <p>5. Tenders signed by non- authorized persons</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p>Ineligible tenderers will be disqualified.</p>		
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is :</p> <p>Date: 17 July 2024</p> <p>Time: 10:00</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:</p> <table border="1"> <tr> <td> THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA </td><td> GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E </td></tr> </table>	THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA	GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E
THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA	GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E		
2.7 - 2.12 Submitting a Tender	<p>It is requested that the tenderer submit the tender document in different sections, using dividers. Do not submit loose pages.</p> <ul style="list-style-type: none"> • SDL&I and Commercial documents • Technical documents • Safety, Health, Environmental documents 		

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		Review Date	February 2028		

MPKRI11166GX

	<p>The cover page of the file to have the following information:</p> <ul style="list-style-type: none"> • Company Details, • Tender Enquiry Number, • Description and • Power Station
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 120 days
2.16 Tender Clarification meeting	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 18 June 2024 Time: 11:00 – 12:30 Venue: MS Teams</p> <p>The link below to be used to join the meeting.</p> <p>Microsoft Teams meeting Join on your computer, mobile app or room device Click on the below link to join the meeting <u>Join the meeting now</u></p> <p>Meeting ID: 387 051 318 435 Passcode: Uo4FpE <u>Download Teams</u> <u>Join on the web</u> Or call in (audio only) <u>+27 21 834 0825,,231866322#</u> South Africa, Cape Town <u>Find a local number</u> Phone conference ID: 231 866 322# For organizers: <u>Meeting options</u> <u>Reset dial-in PIN</u> <u>Find a local number</u> <u>Reset PIN</u> <u>Learn More</u> <u>Meeting options</u></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 (five) working days before the deadline for tender submission.

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		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

2.23 Alternative tenders	<p>Alternative tenders are not allowed.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ol style="list-style-type: none"> 1. A different completion date. 2. A different payment method. 3. Different technical methods and specifications <p>A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC3 Supply Contract.</p>
2.31 Provision of security for performance	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.</p> <p>The following bonds are required for this enquiry:- N/A</p>
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline;
3.5 Prices to be read out	Prices will not be read out.
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer 2. Submit one (1) hard copy of the original tender to Eskom 3. Submit a complete original tender with commercial, financial and technical information 4. Submission of the mandatory commercial tender returnables as at stipulated deadlines. 5. Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p>

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MPKRI11166GX

	<p>❖ Functional Criteria:</p> <p>1. Mandatory requirement: Technical Gatekeeper The tenderer provides a Declaration Letter signed by the company representative stating that the company will provide the correct type of spares with technical data in the form of data sheet or brochure as required by the Employer. Declaration Letter with full compliance to the requirements as set out in the scope of work.</p> <p>2. Functional Criteria The technical evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 80%.</p> <p>Tenderers who meet the minimum qualifying score will move onto the next stage of evaluation.</p> <table border="1" data-bbox="679 1021 1310 1128"> <tr> <td>OEM/Local Distributors</td><td>20 marks</td></tr> <tr> <td>Methodology</td><td>60 marks</td></tr> <tr> <td>Understanding of Spares</td><td>20 marks</td></tr> </table>	OEM/Local Distributors	20 marks	Methodology	60 marks	Understanding of Spares	20 marks
OEM/Local Distributors	20 marks						
Methodology	60 marks						
Understanding of Spares	20 marks						
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> Unconditional discounts must be taken into account for evaluation purposes; 						

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		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	<p>2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</p> <p>Prices will be scored out of 80 or 90 points</p>
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20)</p> <p>Note:</p> <p>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ 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 for Specific goals for purposes of PPPFA scoring and ranking.</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <ol style="list-style-type: none"> the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included). <p style="text-align: center;">OR</p> <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p> <p>After closing of the e-auction bidding process, the price evaluations will be ranked.</p> <p>A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section</p>

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MPKRI11166GX

2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

TABLE: PREFERENCE POINT SYSTEM

Adjudication Criteria	Points
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	80
OR	
$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	90

Where:

Ps = Points scored for price of Bid under consideration

Pt = Rand value of Bid under consideration

Pmin = Rand value of lowest acceptable Bid

TABLE 5: BBBEE LEVEL SCORE

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (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

In the event that companies submitting a joint venture or a consortium, a consolidated BBBEE certificate from an accredited verification agency must be submitted.

The responsive tenderer with the highest points will be awarded the contract.

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MPKRI11166GX

3.19 Objective Criteria (if applicable)	<p>Objective criteria are applicable. Compliance to Objective criteria is Mandatory. Failure to comply with Objective will render the tender non-responsive.</p> <p>The following objective criteria apply:</p> <ul style="list-style-type: none">The designated material and thresholds were identified as follows: Local Production: 100% Plastic Pipes or DTI exempt letter <table><tr><td>Category</td><td>Material</td><td>Threshold</td></tr><tr><td>Plastic Pipes</td><td>Polyvinyl Chloride (PVC) Pipes</td><td>100%</td></tr></table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The dti has appointed SABS as the official verification agency for local content in terms of designated products.</p> <p>A tender that fails to meet the minimum stipulated threshold for local production and content will not be justified for award.</p> <p>Please note:-</p> <ol style="list-style-type: none">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.Functionality and elements of Contractual requirements must not be used as objective criteria.	Category	Material	Threshold	Plastic Pipes	Polyvinyl Chloride (PVC) Pipes	100%
Category	Material	Threshold					
Plastic Pipes	Polyvinyl Chloride (PVC) Pipes	100%					
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction is applicable</p> <p>Reverse e-auctioning means an electronic negotiation process that aims to achieve the most competitive prices for clearly-specified items.</p> <p>Reverse e-auctioning replaces the negotiation process wrt pricing, with an electronic negotiation process on price only, which provides the results of the tender process immediately.</p> <p>Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest-ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA.</p> <p>Reverse e-auction, when applicable, will only be considered once the normal procurement process has progressed to the point that the responsive tenderers have been identified.</p>						

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MPKRI11166GX

	<p>Tenderers will be trained on the reverse e-auction system. Responsive tenderers will receive login details in order to participate.</p> <p>The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>
Contractual Requirements (if applicable)	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> • Safety and Health • Quality • Local content (dti) <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p>
2.25 Contractual Condition	The conditions of contract will be the NEC 3 Supply Contract
CIDB Requirements (where applicable)	CIDB Requirements are not applicable

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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:

For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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 5 working 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)


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.

Note: A certified copy of a document is valid for 3 months from the date of certification.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		


MPKRI11166GX

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Commercial				
Basic Compliance	<ul style="list-style-type: none"> Submit one (1) hard copy of the original tender Central Supplier Database (CSD) registration 	✓ ✓		
Annexure A	Acknowledgement Form		✓	
Annexure A.1	Reverse e- auction training Acknowledgement Form			✓
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services	✓		
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
Annexure I	SBD 4 – Bidders Disclosure		✓	
Authority Form / Letter	Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)		✓	
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.			✓
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			✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	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.			
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)			✓
NEC Supply Contract	<p>C1.2 Contract Data (Part Two – Data provided by the Contractor) To be completed in full</p> <p>If the <i>percentage for overheads and profit</i> added to the Defined Cost is not completed, payment will be at actual cost without any fee percentage</p> <p>Note: Contractor Price line to be left blank Do not submit pricing – reverse e-auction will apply Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>		✓	

Project Management Requirement				
CSI	CSI% to be negotiated to 2% per invoice value			✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Supplier Development Localisation and Industrialisation				
Local Content Designated Sectors: PVC Piping 100% Annexure F1-F4	• Form: Annexure C (Local Content Declaration Summary Schedule) (F2)		✓	
	• Form: SBD 6.2 Declaration Certificate Local Content Form (F1)		✓	
	• Annexure D – Imported Content Declaration – Supporting Schedule to Annexure C (F3)			✓
	• Annexure E – Local Content Declaration – Supporting Schedule to Annexure C (F4)			✓
Company Documents	• CIPC Registration Documents		✓	
	• Financial Statements Audited Financial Statements of the tenderer 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.		✓	
	ID copy of Member/s, Shareholder/s and/or Director/s		✓	
	Share Certificate/s		✓	
# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios	✓		

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement		✓	
	# proof of compliance to the stipulated Specific goals		✓	
	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		✓	
# Specific Goals	<p>Failure on the part of the supplier to submit supporting documents/proof of specific goals 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). Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but may only</p> <ul style="list-style-type: none"> - Score points out of 90/80 for price - Scores 0 points out of 10/20 for specific goals <p>The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p> <p>NB: The following documents are required to claim preference points,</p> <ul style="list-style-type: none"> • Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit • Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown • Certified ID copies of shareholder(s) • Proof of Disability (where applicable) <p>KEY NOTES OF DETERMING VALIDITY OF B-BBEE SWORN AFFIDAVITS:</p> <p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ul style="list-style-type: none"> • Name/s of deponent as they appear in the identity document and the identity number. • Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. (Mark the applicable option). 		✓	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	<ul style="list-style-type: none"> Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <u>(No blank spaces to be left).</u> Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. (Mark the applicable option). Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. <u>(Financial year end to be stipulated by day/month/year).</u> B-BBEE Status level. An enterprise can only have one status level. (Tick applicable level) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u> Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. <p>B-BBEE certificate to be used for scoring purposes, if the certificate is not submitted with the tender, the tenderer will score zero (0) and will not be disqualified</p>			
--	---	--	--	--

FUNCTIONALITY CRITERIA

MANDATORY TECHNICAL EVALUATION CRITERIA

Reference	FUNCTIONALITY CRITERIA
A. MANDATORY	Information to be provided to qualify for further evaluation
B. QUALITATIVE	The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 80%.

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Invitation to Tender/ Request for Proposal (RFP)

Document Identifier	240-114238630	Rev	16
Effective Date	February 2023		
Review Date	February 2028		

MPKRI11166GX

A. Mandatory Technical Evaluation Criteria

	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)
1.	The tenderer provides a declaration letter signed by the company representative stating that the company will provide the correct type of spares with technical data in the form of data sheet or brochure as required by the Employer	Declaration Letter with full compliance to the requirements as set out in the scope of work	YES – if Declaration letter is provided NO - if no declaration letter provided


B. QUALITATIVE TECHNICAL EVALUATION CRITERIA (Minimum threshold 80% to qualify for further evaluation)

	Qualitative Technical Criteria Description	Reference to Technical Specification /TenderReturnable	Criteria Weighting (%) Total: 100	Criteria Sub Weighting (%)
1.	OEM / local distributors Support letter from the different OEM / local distributors confirming the supply of spares > 6	Support letter from the different OEM / local distributors confirming the supply of spares > 6	20 <ul style="list-style-type: none">• <= 3 Support letters - 6.6%• <= 5 Support letters - 13.2%• >= 6 Support letters - 20%	20

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

2.	Methodology Method of supply, protection of equipment and Protection standards	The procedures or innovative methods the contractor proposes to use to achieve the specified end results.	60 <ul style="list-style-type: none"> Handle defective materials and premature failures of components – 15 % Perform quality verifications – 15 % Protect the equipment during transportation to site (Kriel Power Station) – 15 % State Protection standards applicable to the instrumentation spares scope during storage, transportation, and delivery – 15 % 	60
3	Quality Management System Submit proof of Quality Management System as per ISO9001:2005	ISO Certification or an equivalent Quality Management System in Place	20	20

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

SHEQ DOCUMENTS REQUIRED UNDER CONTRACTUAL OBLIGATION

Please Note:

It is advisable to submit the documents at tender stage to avoid delays and possible disqualification.


SAFETY HEALTH CRITERIA

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Safety C1				
Annexure B	Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?			✓
Health and Safety Plan must address the project / scope of work OHS risk(s) and aligned with the health and safety specification or requirements	<ul style="list-style-type: none"> SHE organization within the Company- Responsibility & Accountability SHE Incident management PPE- Personal Protective Equipment Emergency planning and fire risk management Vehicle and driver behavior safety Competency, training, appointments Communication and awareness 			✓
Costing for Health and Safety Management	Has the tenderer submitted detailed costing for OHS (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. – <ul style="list-style-type: none"> based on the overall scope of work/service to be performed; the scope of work and risk assessment may serve as a guideline. 			✓
Baseline OHS Risk Assessment (BRA)	Identification, assessment and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA.			✓
Valid Letter of Good Standing	The date of Expiry should not be later then the date of closing date for the tender			✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

(COIDA or equivalent)				
OHS policy signed by CEO/ MD	The submitted policy must comply to OHS Act Section 7			✓
OHS Competency	(Consider scope of work, risks, OHS plan and applicability) CV's and qualifications / certificates e.g. <ul style="list-style-type: none"> - First aiders - Incident investigator 			✓

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Quality Cat 2				
SECTION A OPTION 1 Quality Management System Requirements ISO 9001 Valid certification of Quality Management System by an ISO accredited body	<ul style="list-style-type: none"> - A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant - A.2 Certificate by Approved and Authorized certification authority - A.3 Certification Authority has Recognized International Accreditation - A.4 Validity (expiry date) of certificate 			✓
SECTION A OPTION 2 Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001	<ul style="list-style-type: none"> - A.1 QMS Manual or a document that defines and describes the QMS and its scope - A.2 Quality Policy Approved by top management. - A.3 Quality Objectives Approved by top management. - A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015 - A.5 Documented information for Control of nonconforming outputs. Clause 8.7 of ISO 9001:2015 			✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

	<ul style="list-style-type: none"> - A.6 Documented information for Nonconformity and Corrective action. Clause 10.2 of ISO 9001:2015 - A.7 Documented information for Internal audit. Clause 9.2 of ISO 9001:2015 			
SECTION B :Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)	<ul style="list-style-type: none"> - B.1 Documented information for defined roles, responsibilities and authorities. Organisation chart and Responsibility matrix (must include but not limited to quality management function/role) Clause 5.3 of ISO 9001:2005 - B.2 Documented information for Control of Externally Provided Processes, Products and Services. Must include criteria for evaluation, selection, monitoring of performance and re-evaluation of external providers. Clause 8.4 of ISO 9001:2015) - B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports). Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. Clause 9.2 of ISO 9001:2015. 			✓
SECTION C Contract Quality Plan Requirements Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)	<ul style="list-style-type: none"> - Draft Contract/Project Quality Plan has important QS deliverables 			✓
SECTION D Quality Control Plan Requirements QCP/Checklist/ITP (Quality Control Plans) as per scope of work (Ref OSP 10005)	<ul style="list-style-type: none"> - Draft/Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/or previous work done 			✓
SECTION E User defined additional requirements & miscellaneous	<ul style="list-style-type: none"> - E.1 form A is completed and signed - E.2 Add other requirements (if applicable) as per the scope of work and/or specification 			✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

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. ☐

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		


MPKRI11166GX

Invitation to Tender: MPKRI11166GX	The supply and delivery of C&I Critical Spares to Kriel Power Station on an as and when required basis for a period of 5 years
Name of company OR JV	
Company Registration Number	
Physical Address	
Postal Address	
Country of registration	
Name of contact person	
Contact details of contact person:	
Tel (landline)	
Cell phone	
e-mail address	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

Annexure A.1 Acknowledgement Form - Reverse E-auctioning Training	Document Identifier	240-143120319	Rev	1
	Effective Date	25 February 2022		
	Review Date	February 2027		

Annexure A.1 (E-auctioning Training)

Invitation to Tender/Request for Proposal No. MPKRI11166GX

Name of Company / JV	
Name of Contact Person	
Contact Person Details	Tel (landline):
	Cellphone:
	E-mail address

Acknowledgement:

I _____ (supplier name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on _____ at _____. I am satisfied with the training and I can confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

I _____ (supplier name) acknowledge that I have undergone self-training of the uploaded Reverse E-auction video and did not have to attend the clarification meeting for me to understand it. I am satisfied with my self-training and confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

Signature: _____


Designation: _____


Date: _____

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	Annexure A.2 Definition of Reverse E-auctioning	Template Identifier	240-143120329	Rev	1
		Effective Date	05 December 2018		
		Next Review Date	February 2026		
		Procurement & Supply Chain Management			

CLASSIFICATION	PUBLIC
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DATE	03 JUNE 2024
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FOR ATTENTION	THE TENDERER
----------------------	--------------

ACTION REQUIRED	READING
------------------------	---------

FROM	A BOTHA
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CONTACT NUMBER	BOTHAAB@ESKOM.CO.ZA
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SUBJECT	REVERSE E-AUCTIONING
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WHAT IS REVERSE E-AUCTIONING?

Reverse e-auctioning means an electronic negotiation process that aims to achieve the most competitive prices for clearly-specified items.

Reverse e-auctioning replaces the negotiation process, with an electronic negotiation process on price only, which provides the results of the tender process immediately.

Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest-ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA.


Reverse e-auction, when applicable, will only be considered once the normal procurement process has progressed to the point that the responsive tenderers have been identified.

Tenderers will be trained on the reverse e-auction system. Responsive tenderers will receive login details in order to participate.

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

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 or CIPC disclosure certificate (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)	
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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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 or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
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	
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	If you are registered on SARS E-filing system, please provide your pin number in order to verify your tax compliant status	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

6	If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing 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).	
8	8. If sub-contracting is prescribed in the specific enquiry, you need to compete 8.1- 8.7	Yes / No
8.1	Confirm if you intend sub-contracting	Yes / No
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 / No
8.5	If yes to 8.4, please provide CSD number	
8.6	Please confirm B-BBEE level of said sub-contractor	
8.7	Which designated group does the sub-contractor belong to:- a) An EME or QSE; b) An EME or QSE which is at least 51% owned by black people; c) An EME or QSE which is at least 51% owned by black people who are youth; d) An EME or QSE which is at least 51% owned by black people who are women; e) An EME or QSE which is at least 51% owned by black people with disabilities; f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships; g) A cooperative which is at least 51% owned by black people; h) An EME or QSE which is at least 51% owned by black people who are military veterans; or i) More than one of the categories referred to in paragraphs (a) to (h).	
8.8	Please confirm that you have attached your signed intent to sub-contract document.	Yes / No
8.9	Have you attached proof of sub-contractor's belonging to designated group	Yes / No

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

1. 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:	

2. 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.

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

ANNEXURE C

INTEGRITY DECLARATION FORM

- ❖ **Note:** *This returnable is required to be fully completed, signed and submitted by tenderers at the stipulated deadlines.*

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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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.

Yes / No _____


2. Do the tenderer/s and other tenderer in this tendering 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.

Yes / No _____

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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.


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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><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></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 <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	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		

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

1.5	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?		
-----	---	--	--

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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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 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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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 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).

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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:

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. 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:

1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. 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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. 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:

1. 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.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

3. 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.

4. 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.


5. BASE DATE

1. 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
2. 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
1. In this case, the following shall apply:
 1. 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
 2. Where a high, low and mean are published:
The mean

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		


MPKRI11166GX

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

The Cash Settlement or Cash Sellers Price

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

Note Procurement Instruction 3 of 2024 amendment to application of CPA signed on 03 April 2024.

	PROCUREMENT INSTRUCTION 03 OF 2024	Document Identifier	240-148937523	Rev	1
		Effective Date	May 2022		
		Review Date	May 2027		

PROCUREMENT INSTRUCTION 03 OF 2024 – DEVIATIONS TO THE PROCUREMENT AND SUPPLY CHAIN
MANAGEMENT PROCEDURE IN TERMS OF CPA

TO: ESKOM CORPORATE, DIVISIONS & SUBSIDIARIES
FROM: ESKOM CHIEF PROCUREMENT OFFICER
DATE: 20 February 2024
ENQUIRIES: Carl Mamabolo
TEL.: 011 800 3150

**PROCUREMENT INSTRUCTION 03 OF 2024 – DEVIATIONS TO THE PROCUREMENT AND
SUPPLY CHAIN MANAGEMENT PROCEDURE IN TERMS OF CONTRACT PRICE
ADJUSTMENT (CPA)**

3. REVISED APPROACH TO CPA


Based on the above and limitations on the CPA, it is therefore recommended that:

- 3.1 CPA will kick in after sixteen (16) months from the base date (of one month prior to enquiry closing) for commodities with prices that are less volatile. The sixteen months comprises of one (1) month prior to enquiry closing, three (3) months normal tender validity period as prescribed by the CIDB Act, and the twelve (12) months being the first twelve (12) months of the contract period.
- 3.2 In terms of the volatile commodities, CPA will be applicable from the base date prior to enquiry to the end date of the contract. The volatile commodities are those commodities which are easily impacted by the international market.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

- 3.3 The base date for CPA calculation purposes will be one month prior to enquiry closing or as agreed to between the parties (if there is a need to move the base date during contract negotiations).
- 3.4 The latest / ruling index used for CPA calculation purposes will be aligned to the delivery dates of the equipment on the assessment for payment on a particular payment certificate month.
- 3.5 For general construction works the latest / ruling index used will be the index published on the month of producing the payment certificate.

4. EFFECTIVE DATE

This Procurement Instruction is effective from the date of last signature and remains in effect until superseded by a new Procurement Instruction Note, a revision of Eskom Supply Chain Management Procedure 32-1034 or otherwise directed by National Treasury.

3. 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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity.
Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI Final Manufactured Goods Or Intermediate Manufactured Goods OR SEIFSA Table U Producer Price Index (PPI) - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline)
	LME, Copper	National Statistical Institute, Country-specific electrical		National Statistical Institute, Country-specific PPI
	LME, aluminium			

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

		engineering material		
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			


Closing date of tender / /

TENDERER'S SIGNATURE

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

Contract Price Adjustment

The prices will be fixed and firm for the first year of the contract and thereafter subject to CPA as per the formula below provided by the tenderer.

Proposed portions to add up to 1.00

Description of Work	Proportion	Source of Index (CPI, PPI,)	Index Table
Fixed	0.15		
Total Percentage:	1.00		

Signed

Date

Name

Position

Tenderer

The proposed tables below will be negotiated if a proposal is not submitted by the tenderer in the above table.

Proportion	Index	Published by
0.05	Transport L-2(A)	Seifsa
0.80	Electrical ENG Material – G1	Seifsa
0.15	Non-Adjustable	

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed by the Dtic, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Dtic makes provision for the promotion of local production and content.
- 1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand


y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	


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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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

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

IN RESPECT OF BID NO. MPKRI11166GX

ISSUED BY: (Procurement Authority / Name of Institution): Eskom Kriel Power Station
NB

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


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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

Annexure F2- Local content Declaration-Summary Schedule (annex C)

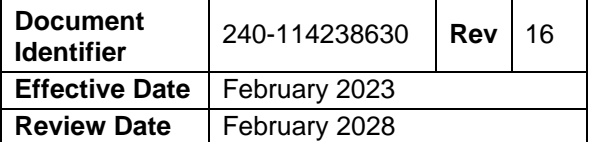
Annexure F3 - Imports Declaration-Supporting schedule to Annex C (annex D)

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

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File name: Invitation to Tender Kriel C&I Critical Spares MPKRI11166GX
Template ID: 240-43921804 (Rev 7) Header and Footer portrait template

 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MPKRI11166GX	CLOSING DATE:		CLOSING TIME:	10:00
DESCRIPTION	The supply and delivery of C&I Critical Spares to Kriel Power Station on an as and when required basis for a period of 5 years.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI, MPUMALANGA					
GPS Co-ordinates: Latitude: 25.87723S, Longitude: 29.21629E					
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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

[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]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			


PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:
<ol style="list-style-type: none"> BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

TAX COMPLIANCE REQUIREMENTS

1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | | |
|----|---|--|
| 1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |


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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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

1. 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.

1. To be completed by the organ of state:


The maximum points for this tender are allocated as follows:

	POINTS	POINTS
PRICE	80	90
SPECIFIC GOALS	20	10
Total points for Price and SPECIFIC GOALS	100	100

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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)
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		


DECLARATION WITH REGARD TO COMPANY/FIRM

- Name of company/firm.....
- Company registration number:
- TYPE OF COMPANY/ FIRM
 - ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

- ☐ 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.

SIGNATURE(S) OF TENDERER(S):

SURNAME AND NAME:


DATE:

ADDRESS:

.....

.....

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

1. 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.

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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

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

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

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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

(Note to tenderer: if there are deviations to the terms and conditions of the NEC document, use this form to detail the deviations. Prepare a separate document attached to this schedule if the proposed changes are extensive. No other deviations will be considered other than this schedule. If you do not have deviations, please indicate that the form is not applicable and sign on the form).

Do you have any deviations to the terms and conditions of the NEC3 Supply Contract?

Yes	No
-----	----

If there are deviations, complete the table below.

Contract Clause No.	Subject of the proposed change	Proposed change	Rationale for the proposed change

The form must be signed even if there are no deviations to the terms and conditions of the NEC3 SC.

Signed

Date

Name

Position

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

Confirmation of Employment Equity

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)

Are you currently employing more than 50 employees?
(*indicate with a tick*)

Yes	No
-----	----

If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed

Date

Name


Position


tenderer

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
		Effective Date	01 November 2012		
		Review Date	May 2024		

INDICATE THE STATUS OF THE *TENDERER* BY TICKING THE APPROPRIATE BOX HEREUNDER.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR

THE *TENDERER* MUST COMPLETE THE CERTIFICATE SET OUT BELOW FOR HIS CATEGORY OF ORGANISATION OR ALTERNATIVELY ATTACH A CERTIFIED COPY OF A COMPANY OR ORGANISATION DOCUMENT WHICH PROVIDES THE SAME INFORMATION FOR THE RELEVANT CATEGORY AS REQUESTED HERE.

A. Certificate for company


I,, chairperson of the board of directors of, hereby confirm that by resolution of the board taken on..... (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.


Signed:	Date:
Name:	Position: (Chairman of the Board of Directors)

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
		Effective Date	01 November 2012		
		Review Date	May 2024		

B. Certificate for close corporation

I,, member of, hereby confirm that by majority vote of the members taken on (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

Signed:	Date:
Name:	Position: (Member)

C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as hereby authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.


Name	Address	Signature	Date


NOTE: This certificate is to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
		Effective Date	01 November 2012		
		Review Date	May 2024		

D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, an authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.


Furthermore 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.


Name of firm	Address	Authorising signature, name and capacity
Lead partner		

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 MPKRI11166GX	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
		Effective Date	01 November 2012		
		Review Date	May 2024		

E. Certificate for sole proprietor


I,, hereby confirm that I am the sole owner
of the business trading as

Signed:	Date:
Name:	Position: (Sole Proprietor)

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALISATION UNDERTAKING

It is proposed for tenderers to make undertakings to advance designated groups through local content, subcontracting and skills development commitments relevant to this tender MPKRI11166GX. It is preferred that this form be completed to indicate your acceptance/proposal.

Eskom reserves the right to negotiate with the tenderer on these requirements and will become a contractual obligation.

The contractor will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

SDL&I Reporting & Monitoring (contractual obligation)

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

a) DESIGNATED MATERIAL LOCAL CONTENT

Threshold for local manufacturing: 100% Plastic Pipes or DTI exempt letter

Category	Material	Threshold	Designated compliant or dti exempt letter
Plastic Pipes	Polyvinyl Chloride (PVC) Pipes	100%	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

MPKRI11166GX

b) CORPORATE SOCIAL INVESTMENT (CSI)

It is expected for the tenderer to participate in a contribution to the Kriel area local community initiative per invoice value.

Criteria	Eskom Target	Tenderer acceptance
CSI	2% per invoice value	

No money will be exchanged. In co-operation with the relevant Kriel Committee, the contractor will be approached to contribute the CSI value at the time towards a project on the identified list. The contractor will be directly involved.

Name & Signature:	Date:
	Designation:
Name of tendering company:	

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