

	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER (ITT)

#### FOR

The establishment of service contract for electronic access to deeds office and credit bureau for distribution asset creation in the LimLanga Cluster on an “as and when” required basis over a period of 60 months.

Tender number	E2235DXLP
Issue date	21 November 2025
Closing date and time	20 January 2026 at 10h00am
Tender validity period	180 days from the closing date and time
Clarification meeting	<p><b>Date: 02 December 2025</b>  <b>Time: 11:30am</b>  A non-compulsory clarification meeting will be held via Microsoft Teams prior tender closure. Tenderers interested in participating in the clarification meeting through online Microsoft teams must <b>click on the link below</b>:</p> <p><a href="#">Join the meeting now</a>  <b>Meeting ID: 335 457 277 285 9</b>  <b>Passcode: ZJ3PN7We</b></p>
<p>Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time.</p> <p>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time</p>	<p><a href="https://etendering.eskom.co.za">https://etendering.eskom.co.za</a></p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the establishment of service contract for electronic access to deeds office and credit bureau for distribution asset creation in the LimLanga Cluster on an “as and when” required basis over a period of 60 months.

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

1. Free of charge

Eskom has delegated the management of this Invitation to Tender to the *Eskom Representative* whose name and contact details are set out in the Tender Data. The submission of a tender by you in response to this Invitation to Tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at [www.eskom.co.za](http://www.eskom.co.za).

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the *Eskom Representative*. No query or clarification may be addressed to any Eskom official other than the *Eskom Representative*.

Yours faithfully



Nelly Nkosi

Procurement Manager, Mpumalanga

Date: 21/11/2025

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## 1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form ( <b>Suppliers are required to download and read the Supplier Integrity Pact. It is accessible on the Eskom Tender Bulletin via <a href="https://www.eskom.co.za">Eskom Supplier Integrity Pact (eskom.co.za)</a> link</b> )	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	N/A
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content ( <b>only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures G1 to G4 as evidence of compliance with this requirement</b> ).	Annexure G1	N/A
	Annexure C Local Content Declaration- Summary Schedule	Annexure G2	N/A
	Annexure D Imported Content Declaration – Supporting Schedule to Annexure C	Annexure G3	N/A
	Annexure E Local Content Declaration- Supporting Schedule to Annexure C	Annexure G4	N/A
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.	Attached separately	Y
1.1.12	Reverse e-auction training acknowledgement form (if applicable)		N/A

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Number	Description	Annexure	Attached (Y / N / N/A)
1.1.13	Reverse e-auction process (if applicable)		N/A
1.1.14	E-tendering Help Manual acknowledgement form	Attached separately	Y
1.1.15	E-tendering Help Manual for supplier	Attached separately	Y
1.1.16	CIDB Contract Skills Development Goals (CSDG) (if applicable)		N/A
1.1.17	Contract Participation Goals (CPG) (if applicable)		N/A
1.1.18	Scope of Work (contained in NEC)	Attached separately	Y
1.1.19	NEC3 Term Services Contract (TSC)	Attached separately	Y
1.1.20	Pricing Schedule/BOQ (contained in NEC) The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes.	NEC3 Term Service Contract (TSC) document attached separately	Y
1.1.21	Non-disclosure agreement (NDA)	Attached separately	Y
1.1.22	Health and Safety Requirements	Attached separately	N/A
1.1.23	Environmental Requirements	Attached separately	N/A
1.1.24	Quality Requirements	Attached separately	N/A
1.1.25	Technical requirement and criteria	Attached separately	Y
1.1.26	Eskom Standard Conditions of Tender (Rev.12)	Attached separately	Y

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## 1.2 Tender Data

The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** are not attached to the **Invitation to Tender**, then tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.


Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Edwin Khuduwe</b>  Tel: <b>015 230 1772</b>  E-mail: <a href="mailto:KhuduwEL@eskom.co.za">KhuduwEL@eskom.co.za</a></p>
1.3 Tender documents	<p>The Invitation to tender is: <b>E2235DXLP</b></p> <p>See the content list above for the tender documents.</p>
1.4 Type of Invitation to Tender	<p>This Invitation to Tender is:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to Tender</li> </ol>
1.6 Eskom's right to accept or reject any tender	<p>The tender shall be for the <b>whole</b> of the contract.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one [tender] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes).</li> </ol>

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Clause Number from Standard Conditions of Tender	Tender Data
	<p>3. Tenders submitted by a joint venture 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.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(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 of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non-authorised persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for <b>Tender submission</b> is:</p> <p><b>Date: 20 January 2026</b></p> <p><b>Time: 10:00am</b></p> <p><b>Late Tenders will not be accepted.</b></p> <p><b>Tenders are uploaded via Eskom Tender bulletin site on the Eskom E-tendering page.</b></p>
2.7-.2.11 Submitting tender	<p><b>For Electronic Tender Submissions</b></p> <p>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E-tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other.</p> <p>All documents need to be submitted in a PDF format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes).</p> <p>No Zip/condense files can be uploaded</p> <p>No hard copy will be accepted</p> <p>If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void.</p> <p>Please ensure that the submission status is indicated as complete.</p> <p>Supplier Help Manual guide and video can be found on Eskom E-Tendering page.</p>

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Clause Number from Standard Conditions of Tender	Tender Data
2.12 Tender Validity Period	The tender validity period is <b>12 weeks</b> :
2.15 Site visit and/or clarification meeting	<p>A <b>non-compulsory clarification meeting</b> with representatives of Eskom will take place as follows:</p> <p>Date: <b>02 December 2025</b></p> <p>Time: <b>11:30am</b></p> <p>Venue: <b>MS Teams</b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is <b>5 working days</b> before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.33 Cataloguing	Not applicable
2.34 Provision of Security for Performance	Not applicable
3.4 Tender Opening	For E-tendering. There will be no public opening of tenders. Tenders will be downloaded electronically.
3.5 Tender Prices	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<p>Basic compliance with this Invitation to Tender requires a tenderer to meet all the following requirements:</p> <p><b>Step 1: Mandatory Basic Compliance</b></p> <p>Basic compliance for this invitation to tender are:</p> <p>a) Meet the eligibility criteria</p> <p>b) Submit the mandatory commercial tender returnables at the stipulated deadlines</p> <p>c) <b>For Electronic Tender Submissions:</b></p> <ul style="list-style-type: none"> <li>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other.</li> <li>All documents need to be submitted in a PDF format (The limit is 50MB per file and total submission of 900MB per submissions).</li> <li>No Zip/condense files can be uploaded; No hard copy will be accepted</li> <li>If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void.</li> <li>Please ensure that the submission status is indicated as complete.</li> <li>Supplier Help Manual guide and video can be found on Eskom E-Tendering page.</li> </ul>

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Clause Number from Standard Conditions of Tender	Tender Data		
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents by or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender will be deemed non-responsive.		
	<b>Step 2: Mandatory returnable requirements</b>		
	<b>The following commercial mandatory requirements are returnable required at tender closing (disqualifiable):</b> <ul style="list-style-type: none"><li>These returnables 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 tenderer will be disqualified.</li></ul>		
	<b>Reference</b>	<b>Returnable From Suppliers</b>	<b>Returnable required at Tender closing (disqualifiable)*</b>
	<b>Basic Compliance</b>	a) Meet the eligibility criteria b) Submit the mandatory commercial tender returnables at the stipulated deadlines c) For Electronic Tender Submissions: The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E-tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other.  All documents need to be submitted in a PDF format (The limit is 50MB per file and total submission of 900MB per submissions).  No Zip/condense files can be uploaded No hard copy will be accepted  If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void.  Please ensure that the submission status is indicated as complete.	√


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Clause Number from Standard Conditions of Tender	Tender Data		
		Supplier Help Manual guide and video can be found on Eskom E-Tendering page.	
	Annexure A	Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender.	√
	Annexure E	CPA for local goods/services (if applicable)	√
	NEC Documentation	Acceptance of NEC conditions for Term Service Contract (TSC) with prices.	√
	A tenderer that does not meet the mandatory commercial requirements above by the required deadlines; will be deemed non- responsive.		
	<b>NOTE THE FOLLOWING:</b> Non-disqualifiable returnables are 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, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.		
	<b>** Returnable required at Tender closing (non-disqualifiable): -</b>		
	Reference	Returnable From Suppliers	Returnable required at Tender closing. (Non-disqualifiable) **
	Non-Disclosure agreement (NDA)	Submit completed and signed Non-Disclosure agreement (NDA)	√
	Annexure B	Acknowledgement Form	√
Annexure C	Tenderers Particulars	√	
Annexure D	Integrity Pact Declaration form	√	
Annexure H (applicable for all suppliers including foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.	√	
Annexure J	SBD 4 – Bidders Disclosure	√	

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Clause Number from Standard Conditions of Tender	Tender Data										
	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.	√								
		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.	√								
	<p>These returnables 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.</p> <p>a) SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations (Annexure H)</p> <p>b) Proof of compliance to the stipulated Specific goals i.e., BBB-EE certificate or Sworn affidavit.</p>										
3.13 Functionality requirements	<p><b>Step 3 – Technical Requirements</b></p> <p>Functionality evaluation is 100% with a minimum threshold of 75%</p> <table><tr><th>Criteria</th><th>Weight</th></tr><tr><td>Established association/ company:<ul style="list-style-type: none"><li>Proof of Company registration = 2 (7.5%)</li><li>No proof =0 (0%)</li></ul></td><td>7.5%</td></tr><tr><td>Company's quantitative &amp; practical previous experience in the delivery of e-information services: - Contactable written references of previous experience to be supplied:<ul style="list-style-type: none"><li>Favourable years of relevant experience &gt; 4 years=2 (17.5%)</li><li>2-4 years =1 (12.25%)</li><li>&lt;2 years=0 (0%)</li></ul></td><td>17.5%</td></tr><tr><td>Format of returned information:<ul style="list-style-type: none"><li>Well-structured and easy to interpret = 2 (50%)</li><li>Not so well structured and easy to interpret but acceptable = 1 (25%)</li><li>Not acceptable = 0 (0%)</li></ul></td><td>50%</td></tr></table>			Criteria	Weight	Established association/ company: <ul style="list-style-type: none"><li>Proof of Company registration = 2 (7.5%)</li><li>No proof =0 (0%)</li></ul>	7.5%	Company's quantitative & practical previous experience in the delivery of e-information services: - Contactable written references of previous experience to be supplied: <ul style="list-style-type: none"><li>Favourable years of relevant experience &gt; 4 years=2 (17.5%)</li><li>2-4 years =1 (12.25%)</li><li>&lt;2 years=0 (0%)</li></ul>	17.5%	Format of returned information: <ul style="list-style-type: none"><li>Well-structured and easy to interpret = 2 (50%)</li><li>Not so well structured and easy to interpret but acceptable = 1 (25%)</li><li>Not acceptable = 0 (0%)</li></ul>	50%
Criteria	Weight										
Established association/ company: <ul style="list-style-type: none"><li>Proof of Company registration = 2 (7.5%)</li><li>No proof =0 (0%)</li></ul>	7.5%										
Company's quantitative & practical previous experience in the delivery of e-information services: - Contactable written references of previous experience to be supplied: <ul style="list-style-type: none"><li>Favourable years of relevant experience &gt; 4 years=2 (17.5%)</li><li>2-4 years =1 (12.25%)</li><li>&lt;2 years=0 (0%)</li></ul>	17.5%										
Format of returned information: <ul style="list-style-type: none"><li>Well-structured and easy to interpret = 2 (50%)</li><li>Not so well structured and easy to interpret but acceptable = 1 (25%)</li><li>Not acceptable = 0 (0%)</li></ul>	50%										

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Clause Number from Standard Conditions of Tender	Tender Data	
	Turn-around time in delivering electronic information: <ul style="list-style-type: none"> <li>Real time immediate delivery within web session = 2 (17.5%)</li> <li>Delayed delivery within 8 working hours = 1 (12.25%)</li> <li>Delayed delivery &gt; 8 working hours = 0 (0%)</li> </ul>	17.5%
	Turn-around time in delivering e-document copies: <ul style="list-style-type: none"> <li>Delivery within 24 hours = 2 (7.5%)</li> <li>Delivery within 48 working hours = 1 (5.25%)</li> <li>Delivery &gt; 48 working hours = 0 (0%)</li> </ul>	7.5%
	<b>TOTAL</b>	<b>100%</b>
	<p>Shared resources (e.g. vehicles and training certificates of employees) shall not be accepted. Tenderers sharing certificates and found to have misrepresented information on the Tender document shall be disqualified.</p> <p>Note: Eskom reserves the right to conduct reference checks if a need arises. Tenderer(s) shall be disqualified if found to have misrepresented information on the tender document.</p> <p>Tenders which fail to meet the functionality minimum threshold of 75% will not be evaluated further.</p>	
3.15 Evaluation of Price	<b><u>Step 4: Price and Preference point system</u></b> <p>Price and preference will be applied as follows:</p> <ul style="list-style-type: none"> <li>The 80/20 preference points system will be used to evaluate price. Price points will be calculated out of 80 for price (Evaluated price including VAT). A maximum of 20 points will be awarded to a tenderer for the specific goal.</li> <li>The points scored for the specific goal will be added to the points scored for price and the total will be rounded off to the nearest two decimal places. The order must be awarded to the tenderer scoring the highest points unless objective criteria if any justify the award to another tenderer.</li> <li>The order/s will be awarded to the highest ranked supplier/s based on the highest points scored per item, in terms of the PPR 2022 unless objective criteria justify the award to another tenderer.</li> </ul> $Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$	

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

Clause Number from Standard Conditions of Tender	Tender Data																				
	<p>Where</p> <p>Ps = Points scored for price of bid under consideration</p> <p>Pt = Price of bid under consideration</p> <p>Pmin = Price of lowest acceptable bid</p> <p><b>The ranking will be as follows:</b></p> <ul style="list-style-type: none"> <li>The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100.</li> <li>In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals.</li> <li>In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.</li> </ul> <p><b>Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotation; should the tendered prices not be deemed market related.</b></p>																				
3.18 Evaluation of Specific Goals	<p><b>Specific goals</b></p> <p>A maximum of 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 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p> <table border="1"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr> </thead> <tbody> <tr><td>1</td><td>20</td></tr> <tr><td>2</td><td>18</td></tr> <tr><td>3</td><td>14</td></tr> <tr><td>4</td><td>12</td></tr> <tr><td>5</td><td>8</td></tr> <tr><td>6</td><td>6</td></tr> <tr><td>7</td><td>4</td></tr> <tr><td>8</td><td>2</td></tr> <tr><td>Non-compliant contributor</td><td>0</td></tr> </tbody> </table>	B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-compliant contributor	0
B-BBEE Status Level of Contributor	Number of points (80/20 system)																				
1	20																				
2	18																				
3	14																				
4	12																				
5	8																				
6	6																				
7	4																				
8	2																				
Non-compliant contributor	0																				

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

Clause Number from Standard Conditions of Tender	Tender Data
	<p><b>NB: The following documents are required to claim preference points,</b></p> <ul style="list-style-type: none"> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> <li>Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown</li> <li>Certified ID copies of shareholder(s)</li> <li>Proof of Disability (where applicable)</li> <li>In a case of a trust, consortium or joint venture (including incorporated consortia and joint ventures), a consolidated B-BBEE status level verification certificate.</li> </ul> <p><b>Note: Eskom will not accept a Sworn Affidavit with an electronic signature</b></p> <p><b>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'</b></p> <ul style="list-style-type: none"> <li>May only score point out of 80 for price</li> <li>Scores 0 points out of 20 for specific goals</li> </ul>
3.19 Ranking of tenders	<p>Tenderers will be ranked by applying the preferential point scoring for the <b>80/20</b> system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.</p> <p><b>The ranking will be as follows:</b></p> <ul style="list-style-type: none"> <li>The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100.</li> <li>In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals.</li> <li>In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.</li> </ul> <p><b>Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotation; should the tendered prices not be deemed market related.</b></p>
3.20 Objective Criteria (if applicable)	Objective criteria is <b>not applicable</b>
3.21 Reverse e-auction (if applicable)	Reverse e-auction is <b>not applicable</b>

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
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Clause Number from Standard Conditions of Tender	Tender Data									
Contractual Requirements	<p><b>Step 6: Contractual Requirements</b></p> <ul style="list-style-type: none"><li>• Tenderer(s) recommended for award, including those justified on the bases of objective criteria, must still meet Contractual requirements as set out in the enquiry. Contractual requirements exclude objective criteria and Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</li><li>• The tenderer will be allowed 7 working days, to resubmit the contractual requirements that were not met after the tender submission.</li><li>• Proof that the highest-ranked tenderer / preferred tenderer is able to meet the contractual requirements must be submitted before the contract may be awarded.</li><li>• If the tenderer does not meet a contractual requirement, mitigating factors, may be agreed to and be made terms and requirements of the contract. If the tenderer does not agree with the mitigating factors or if there are insufficient suitable mitigating factors or if the risk is deemed too high, the tender may be awarded to a tenderer other than the highest-ranked (the second-ranked).</li></ul> <p>THE FOLLOWING CONTRACTUAL REQUIREMENTS SHALL APPLY:</p> <ul style="list-style-type: none"><li>• CSD Tax Compliance</li><li>• Commercial Statutory Documents</li></ul> <p><u>CSD Tax Compliance</u></p> <p>It is to be noted that a contract shall not be awarded to a supplier with a CSD Tax Non-Compliance Status.</p> <p><u>Commercial Statutory Documents</u></p> <table><tr><th>Reference</th><th>Returnable From Suppliers</th><th>Returnable required prior to Contract Award.</th></tr><tr><td><b>B-BBEE</b></td><td>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit</td><td>√</td></tr><tr><td><b>Tax Clearance Certificates or SARS Tax pin</b></td><td>- A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).</td><td>√</td></tr></table>	Reference	Returnable From Suppliers	Returnable required prior to Contract Award.	<b>B-BBEE</b>	Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit	√	<b>Tax Clearance Certificates or SARS Tax pin</b>	- A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).	√
Reference	Returnable From Suppliers	Returnable required prior to Contract Award.								
<b>B-BBEE</b>	Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit	√								
<b>Tax Clearance Certificates or SARS Tax pin</b>	- A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).	√								

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		Effective Date	30 October 2025		
		Review Date	October 2030		

Clause Number from Standard Conditions of Tender	Tender Data		
		- Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.	
	<b>COIDA</b>	Valid Letter of Good Standing with the compensation body/ FEMA (Federated employer's mutual assurance)/RMA (Rand mutual Assurance).	v
	<b>CSD</b>	Proof of National Treasury Central Supplier Database (CSD) registration with a tax compliant status at contract award	v
	<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only).	v
	<b>Supplier Evaluation Pack</b>	Completed and signed Supplier Evaluation Pack for Service Providers – PAYE	v
3.24 Sign form of Agreement/ Contractual Conditions	<p>The conditions of the contract will be the <b>NEC3 Term Service Contract (TSC)</b> with Eskom specific conditions:</p> <p><b>Applicable clauses are:</b></p> <p>A: Priced contract with price list  W1: Dispute resolution procedure  X1: Price adjustment for inflation  X2: Changes in the law  Z: Additional conditions of contract</p>		
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are <b>not applicable</b>		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

Clause Number from Standard Conditions of Tender	Tender Data
2.29 Contract Skills Development Goals (CSDG) is not applicable	Contract Skills Development Goals (CSDG) is <b>not applicable</b>
2.30 Contract Participation Goals is not applicable	Contract Participation Goals <b>is not applicable</b>

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**Please note:**

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

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 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 its tender documents.

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

“proof of B-BBEE status level of contributor” means-

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act

### **1.3 TENDER RETURNABLES**

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

**NOTE THE FOLLOWING: -**

**\* Returnables required at Tender closing (disqualifiable): -**

These returnables 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 tenderer will be disqualified.

**\*\* Returnable required at Tender closing (non-disqualifiable): -**


These returnables are 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, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing,

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.

#### # Returnables required at Tender Closing date and time for evaluation: -

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

#### Returnable required prior to Contract Award.

Returnables that are mandatory for contract award must be submitted prior to award, completed in full if completion is a requirement and signed if signature is a requirement.

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes)	√		
<b>Annexure A</b>	Authorisation Form - Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender. Note – The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.	√		
<b>Annexure B</b>	Acknowledgement Form		√	
<b>Annexure C</b>	Tenderers Particulars		√	
<b>Annexure D</b>	Integrity Pact Declaration form		√	
<b>Annexure E</b>	CPA for local goods/services (if applicable)	√		

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
<b>Annexure F</b>	CPA(IG) for imported goods/services (if applicable)	Not applicable		
<b>Annexure G1-G4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4	Not applicable		
<b>Annexure H</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			√
<b># Annexure I</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
<b>Annexure J</b>	SBD 4 – Bidders Disclosure		√	
Reverse e-auction training acknowledgement form (if applicable)		Not applicable		
E-tendering Help Manual acknowledgement form (If applicable)			√	
<b>Additional Documents required in the event of JV: -</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			√
<b># Specific Goals</b>	A tenderer's failure to submit proof that it meets the <b>specific goals</b> will not result in its disqualification. The tenderer will, however, be scored zero for			

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
	Specific Goals for purposes of PPPFA scoring and ranking.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that 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 complete the SBD1 document; however, no proof of tax compliance is required.			✓
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			✓
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			✓
<b>CIDB (where applicable)</b>	Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	Not applicable		
<b>NEC or other Contract</b>	Acceptance of NEC conditions for Term Service Contract (TSC) with prices.	✓		

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		Effective Date	30 October 2025		
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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Pricing schedule	Acceptance of NEC conditions for Term Service Contract (TSC) with prices.	√		
	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
Mandatory Contractual Requirement	Refer to <b>page 14 - 15</b> of this invitation for commercial statutory documents required for the scope of work			√
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
Due Diligence/financial analysis	<ul style="list-style-type: none"> <li>• Latest, approved (No draft annual financial statements or managements accounts are allowed for this process) annual financial statements of the tendering company (Not Parent or ultimate holding company), including: <ul style="list-style-type: none"> <li>• Background to the company</li> <li>• A signed director's report.</li> <li>• A signed auditor's/ reviewer's/ compiler's/ accounting officer's report</li> <li>• Statement of financial position</li> <li>• Statement of comprehensive income</li> <li>• Statement of changes in equity</li> <li>• Statement of cash flows</li> <li>• Notes to the financial statements.</li> </ul> </li> <li>• A signed copy of the public interest score (only applicable to South African entities that are not audited)</li> <li>• Giving the actual score</li> <li>• Indicating whether the company is owner managed or not</li> <li>• Confirming whether the annual financial statements were externally prepared or not.</li> </ul>	Not applicable		

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable) *	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
	<ul style="list-style-type: none"> <li>Copies of the ITA34C for the current &amp; previous years of assessment (only applicable to South African entities that are not audited)</li> <li>For unincorporated JV or a SPV, each partner in the JV or a SPV must submit its annual financial statements including all items listed above.</li> </ul>			
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	<b>Functionality (Technical) requirements</b> - submit all Technical Requirements as specified on <b>page 10 - 11</b> of this document.	v		

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## **ANNEXURE A**

### **AUTHORISATION FORM**

Indicate the status of the *tenderer* by ticking the appropriate box below.

<b>A COMPANY</b>	<b>B CLOSE CORPORATION</b>	<b>C PARTNERSHIP</b>	<b>D JOINT VENTURE</b>	<b>E SOLE PROPRIETOR</b>	<b>F TRUST</b>

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

#### **A. Certificate for company**

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of directors of \_\_\_\_\_, hereby confirm that by resolution of the board taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. A certified copy of the resolution of the board is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## B. Certificate for close corporation

I, \_\_\_\_\_, in my capacity as member of \_\_\_\_\_, hereby confirm that by majority vote of the members taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. A certified copy of the members' resolution is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

## C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as \_\_\_\_\_ hereby authorise Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, to submit this tender on behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

Name	Address	Signature	Date

**NOTE: This certificate is required 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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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

#### 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 \_\_\_\_\_, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

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

We attach to this Form a certified copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates which member will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead member		
Member		
Member		
Member		

**NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.**

#### E. Certificate for sole proprietor

I, \_\_\_\_\_, hereby confirm that I am the sole proprietor of the business trading as \_\_\_\_\_

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:(Sole Proprietor)</b>

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

#### F. Certificate for trust

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of trustees of \_\_\_\_\_, hereby confirm that by resolution of the board of trustees taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the trust and to sign all documents in connection with this tender and any contract that may result from it on behalf of the trust. A certified copy of the resolution of the board of trustees is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

**NOTE:** The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Designation and capacity:</b>	
<b>Signature of authorised signatory</b>	
<b>Date of signature:</b>	

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## **ANNEXURE B**

### **ACKNOWLEDGEMENT FORM**

We are in receipt of the Invitation to Tender 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 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 Invitation to Tender ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender in a previous contract/order [**insert previous contract/order number**] ☐ \_\_\_\_\_
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder: ☐

---



---



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4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [**delete whichever is not applicable**] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

Invitation to Tender No: **E2235DXLP**

Name of Tenderer: \_\_\_\_\_

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

Full names of contact person: \_\_\_\_\_

Contact details:

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	


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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## **ANNEXURE C**

### **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 individual companies and each JV member) or trust number.	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each 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 in the case of a JV)	

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	

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status \_\_\_\_\_
6. If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

7. **If sub-contracting is prescribed in the Invitation to Tender, tenderers must complete 7.1 to 7.9.**

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

7.1 Confirm if you intend sub-contracting

YES		NO	
-----	--	----	--

7.2 What percentage will you be sub-contracting? \_\_\_\_\_ %

7.3 To whom do you intend sub-contracting? \_\_\_\_\_

7.4 Is the said sub-contractor registered on CSD?

YES		NO	
-----	--	----	--

7.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

7.6 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

7.7 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).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

YES		NO	
-----	--	----	--

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

YES		NO	
-----	--	----	--

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## **ANNEXURE D**

### **INTEGRITY DECLARATION FORM**

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

#### **1 DECLARATION OF INTEREST**

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where: -

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering process have a controlling partner in common, or 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 over the tender of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

#### **Related:**

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-
  - (i) are married, or live together in a relationship similar to a marriage; or
  - (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
  - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
  - (ii) either is a subsidiary of the other; or
  - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

#### **Control:**

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
  - (a) in the case of a juristic person that is a company-
    - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act<sup>1</sup>; or
    - (ii) that first person together with any related or inter-related person, is-
      - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or
      - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;
  - (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members’ interest, or controls directly, or has the right to control, the majority of members’ votes in the close corporation;

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

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

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

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

[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering process share a controlling partner or have any relationship with each other, directly or through common third parties? \_\_\_\_\_(

[Yes/No]

If Yes, attach proof. to this declaration

## 2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and 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 Eskom's procurement process (e.g. bid rigging/collusion); or
2. committed fraud or any other improper conduct in relation to such procurement process.

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector.  The Database of Restricted Suppliers can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)  The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

### 3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

I, the undersigned \_\_\_\_\_ [Full names and 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 / Beneficiaries  
in \_\_\_\_\_ [Name of Tenderer]:

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage / Beneficiary Share

#### Other Entities\*:

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 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.

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

### Joint Ventures

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 purposes 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.

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

## **ANNEXURE E**

### **CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.**

#### **The application of contract price adjustment (CPA) to tender submissions**

**Note:** This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

#### **1. Application of CPA**

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

#### **2. Tender Submissions**

#### **Eskom Proposed CPA breakdown for Local Goods and Service**

Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index as published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	65%	Table D2-D3	Actual Service Cost - CPI	SEIFSA	Tender closing	TBA
A2	20%	Table L1-L2	Actual Transport Cost	SEIFSA	Tender closing	TBA
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					


**Note:** Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

### **Eskom CPA Conditions/Requirements**

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.

**Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.**

### **3. BASE DATE AND BASE PRICE**

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

### **4. 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 contract 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.

OR

<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

**ANNEXURE F – NOT APPLICABLE**

**CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES**

**The application of contract price adjustment (CPA) to tender submissions**

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

**ANNEXURE G1 – NOT APPLICABLE**

SBD 6.2

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

## ANNEXURE H

SBD 1

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	E2235DXLP	CLOSING DATE:	20 January 2026	CLOSING TIME:	10:00am
DESCRIPTION	The establishment of service contract for electronic access to deeds office and credit bureau for distribution asset creation in the LimLanga Cluster on an "as and when" required basis over a period of 60 months.				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Edwin Khuduwel		CONTACT PERSON	Edwin Khuduwel	
TELEPHONE NUMBER	015 230 1772		TELEPHONE NUMBER	015 230 1772	
FACSIMILE NUMBER	Not applicable		FACSIMILE NUMBER	Not applicable	
E-MAIL ADDRESS	<a href="mailto:Khuduwel@eskom.co.za">Khuduwel@eskom.co.za</a>		E-MAIL ADDRESS	<a href="mailto:Khuduwel@eskom.co.za">Khuduwel@eskom.co.za</a>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

#### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

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

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## PART B TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)


DATE: .....

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	Invitation to Tender	Document Identifier	240-114238630	Rev	27
		Effective Date	30 October 2025		
		Review Date	October 2030		

## **ANNEXURE I**

## **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**

1.1 The following preference point systems are applicable to invitations to tender:

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

#### **1.2 To be completed by the organ of state**

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

#### **1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 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.

1.6 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.

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## 2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

**80/20**

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for 80/20 preference point system.

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

***(Note to organs of state: Where the 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.)***

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. 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:

- i) The information furnished is true and correct;

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) 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 –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the 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
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

## **ANNEXURE J**

### **SBD 4**

## **TENDERER'S DISCLOSURE**

### **1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender. 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, Eskom requires the tenderer 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 tender process.

### **2. TENDERER'S DECLARATION**

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

Full Name	Identity Number	Name of State Institution

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

**[YES/NO]**

If so, furnish particulars:

.....  
.....

2.3 Does the tenderer 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]**

If so, furnish particulars:

.....  
.....

### 3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 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

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	27
		<b>Effective Date</b>	30 October 2025		
		<b>Review Date</b>	October 2030		

to submit the tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER 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

### Controlled Disclosure

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

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