

## ADDITIONAL FREQUENTLY ASKED QUESTIONS

04/06/2025

**From:** Thembi Peter

**Sent:** Friday, 04 July 2025 12:32

**To:** Tlangelani Halala <beatriceninagroup27@gmail.com>

**Subject:** RE: [CAUTION:EXTERNAL EMAIL] Subject: Request for Clarification: Completion of Contract Data and Fee Percentages – Tender No: E1371DXWC

**Importance:** High

Dear Valued Supplier,

I trust that Eskom's response has addressed all your questions and met your expectations. Furthermore, please be assured that the response has been provided in the spirit of transparency and fairness to you and any other suppliers you may be representing.

Kindly find our responses to each of your questions below.

Regards

Thembi

**From:** Arlene Martin <MartinAB@eskom.co.za>

**Sent:** Thursday, 03 July 2025 17:23

**To:** Thembi Peter <PeterTP@eskom.co.za>; Carien Blatherwick <MyburgCE@eskom.co.za>

**Cc:** Arlene Martin <MartinAB@eskom.co.za>; Sandisa Ntsekeni <NtsekeS@eskom.co.za>; Lonwabo Sparks <SparksL@eskom.co.za>

**Subject:** Re: [CAUTION:EXTERNAL EMAIL] Subject: Request for Clarification: Completion of Contract Data and Fee Percentages – Tender No: E1371DXWC

**Importance:** High

Hi Thembi

Please see my responses highlighted in yellow below.

[@Carien Blatherwick](#), could you kindly assist and provide guidance with the portion highlighted in green please.

Kind regards,

Arlene

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**From:** Thembi Peter <[PeterTP@eskom.co.za](mailto:PeterTP@eskom.co.za)>

**Sent:** Thursday, July 3, 2025 4:24 PM

**To:** Arlene Martin <[MartinAB@eskom.co.za](mailto:MartinAB@eskom.co.za)>; Lonwabo Sparks <[SparksL@eskom.co.za](mailto:SparksL@eskom.co.za)>; Sandisa Ntsekeni <[NtsekeS@eskom.co.za](mailto:NtsekeS@eskom.co.za)>

**Subject:** RE: [CAUTION:EXTERNAL EMAIL] Subject: Request for Clarification: Completion of Contract Data and Fee Percentages – Tender No: E1371DXWC

Dear Arlene

I trust this email finds you well.

Can you kindly assist by responding on the below request from the supplier.

Your response regarding these questions is highly appreciated.

Regards

Thembi

**From:** Tlangelani Halala <[beatriceninagroup27@gmail.com](mailto:beatriceninagroup27@gmail.com)>

**Sent:** Thursday, 03 July 2025 14:06

**To:** Thembi Peter <[PeterTP@eskom.co.za](mailto:PeterTP@eskom.co.za)>

**Subject:** [CAUTION:EXTERNAL EMAIL] Subject: Request for Clarification: Completion of Contract Data and Fee Percentages – Tender No: E1371DXWC

Dear Ms. Thembi Peter,

I trust this email finds you well.

I am writing to respectfully seek clarification regarding the completion of Contract Data – Part Two of the NEC3 Term Service Contract (April 2013) in relation to Tender No: E1371DXWC – Provision of Physical Security Guarding and Patrol Services at Eskom Holdings SOC Ltd, Dx Division, Cape Coastal Cluster (Western Cape).

Having carefully reviewed the tender documents and the NEC3 Contract, I request guidance on the following matters. Kindly confirm whether tenderers are expected to propose their own fee percentages for both direct and subcontracted work or whether Eskom prescribes specific percentages that must be applied. In the absence of prescribed rates, we intend to propose percentages that are consistent with public sector procurement norms and market practices, typically ranging between 8% – 12% for direct fees and 6% – 9% for subcontracted fees. This approach is informed by National Treasury guidelines on fair and reasonable pricing, as well as industry benchmarks, and is intended to fully comply with the principles of fairness, cost-effectiveness, and transparency in public procurement.

**Response:** In terms of clause 11.2(8) regarding direct and subcontracted fee percentages, Eskom does not prescribe specific percentages to be applied.

Section C1.2 Part Two contains data provided by the Contractor; therefore, Eskom does not set these values. However, please note that we reserve the right to negotiate the proposed percentages during the negotiation phase if they fall outside the typical or acceptable range.

Please advise whether Eskom requires tenderers to identify and propose initial risks to be included in the Risk Register at tender stage, or whether the Risk Register will be developed jointly post-award.

**Response:** The risk register will be developed collaboratively after the tender has been awarded, as existing risks may evolve, and new risks may emerge during project execution.

Kindly further clarify whether the Service Information required for the Contractor's Plan must be submitted in the form of a high-level summary or whether a fully detailed methodology and project schedule, such as a Gantt chart, is required at tender stage.

**Response:** A high-level summary is acceptable.

Please also advise whether the CVs, qualifications, and responsibilities of all key people must be submitted with the tender or whether this information may be provided post-award prior to contract commencement.

**Response:** This information forms a mandatory part of the tender submission package , which must be submitted failing which will render your tender non-responsive.

Additionally, kindly confirm whether Eskom prescribes a minimum number of key personnel per site.

**Response:** Site allocations are determined based on the site's risk profile.

and whether there are specific qualification requirements for supervisors and security personnel.

**Response:** Kindly refer to pages 31 to 33 of the NEC3 document for further details.

We would also appreciate your confirmation on whether all the data fields in the NEC3 Contract Data Part Two must be fully completed at tender stage or whether Eskom allows for certain fields, such as key personnel or identified risks, to be completed post-award.

**Response:** Kindly be advised that this question was addressed during the clarification session. As outlined in the commercial presentation (page 4), the matter is clearly stipulated and further reiterated on page 5 of the clarification meeting minutes. This information was published on 19 June 2025 on both the National Treasury and Eskom tender bulletins to ensure transparency, fairness, and competitiveness.

Additionally, the Frequently Asked Questions (FAQ) document published on 24 June 2025 lists this as the first question.

**Response:** All fields in the NEC3 Contract Data Part Two must be fully completed.

We respectfully request that the clarifications provided in response to this enquiry be formally published on the Eskom Tender Bulletin to ensure all potential tenderers have equitable access to this information, in line with Eskom's commitment to fairness, transparency, and administrative justice as required by Section 217 of the Constitution of the Republic of South Africa.

**Response:** refer to page 1 and 13 of the invitation To Tender ( ITT). *"All queries and responses will be published on the Eskom Tender Bulletin to ensure that all potential tenderers have equal access to the questions and answers raised following the clarification meeting."*

We record that our reliance on Eskom's written clarification will form part of the binding tender process rules applicable to all bidders. We further request confirmation that compliance with Eskom's clarification will not, under any circumstances, be construed as procedural non-compliance or prejudice against our submission, provided we act in accordance with the guidance supplied.

We will rely on Eskom's written response as binding and authoritative. Your urgent guidance on these matters will be greatly appreciated to enable a fully compliant submission.

Kind regards,

Tlangelani

**From:** Thembi Peter

**Sent:** Thursday, 03 July 2025 16:21

**To:** Tlangelani Halala <beatriceninagroup27@gmail.com>

**Subject:** RE: [CAUTION:EXTERNAL EMAIL] Subject: Urgent Clarification and Missing Folder Contents: Tender No: E1371DXWC

**Importance:** High

Dear Valued Supplier,

I trust that Eskom's response has addressed all your questions and met your expectations. Furthermore, please be assured that the response has been provided in the spirit of transparency and fairness to you and any other suppliers you may be representing.

Kindly find our responses to each of your questions below.

Regards

Thembi

**From:** Tlangelani Halala <[beatriceninagroup27@gmail.com](mailto:beatriceninagroup27@gmail.com)>

**Sent:** Thursday, 03 July 2025 14:11

**To:** Thembi Peter <[PeterTP@eskom.co.za](mailto:PeterTP@eskom.co.za)>

**Subject:** [CAUTION:EXTERNAL EMAIL] Subject: Urgent Clarification and Missing Folder Contents: Tender No: E1371DXWC

Dear Ms. Peter,

I write, compelled by both prudence and the imperatives of fairness, to draw your attention to a matter of immediate importance regarding the tender submission for **Tender No: E1371DXWC – Provision of Physical Security Guarding and Patrol Services at Eskom Holdings SOC Ltd, Dx Division, Cape Coastal Cluster (Western Cape).**

Having applied careful scrutiny to the tender documentation and the Eskom E-tendering portal, it is plain that the tender contemplates the submission of Quality and Environmental returnables under distinct folders. However, despite diligent review, the detailed contents, specifications, and applicable evaluation criteria pertaining to these folders are conspicuously absent from the documentation currently available.

It is incumbent upon Eskom, as the issuing authority, to ensure that tenderers are not left to conjecture. I must, therefore, respectfully request that Eskom urgently provide the following particulars:

1. The precise Quality and Environmental returnable required.

**Response Quality:** Kindly ensure compliance with the information already provided/uploaded as per quality folder. As well as Quality Presentation as per clarification meeting.

**Response Environmental:** Kindly ensure compliance with the information already provided/uploaded as per Environmental Folder and as per minutes page 10 indicating Annexure B was loaded

2. The specific standards, templates, or compliance documentation which must accompany these returnable.

**Response :** Kindly ensure compliance with the information already provided/uploaded the standards are specified the relevant folders. As well as Quality Presentation as per clarification meeting.

3. Confirmation as to whether additional supporting documents have been or will be uploaded to the Eskom E-tendering platform.

**Response:** All supporting documentation has already been uploaded.

I must further request, with respect, that Eskom's response to this enquiry — and indeed any relevant clarification — be published on the **Eskom Tender Bulletin without delay, together with the link thereto**. This is not a mere procedural nicety. It is a requirement rooted in the constitutional procurement imperative of fairness and equal treatment under **Section 217 of the Constitution of the Republic of South Africa**.

**Response:** refer to page 1 and 13 of the invitation To Tender (ITT). *“All queries and responses will be published on the Eskom Tender Bulletin to ensure that all potential tenderers have equal access to the questions and answers raised following the clarification meeting.”*

Permit me to place on record, to avoid the prospect of procedural ambush, that our reliance upon Eskom's written clarification will form part of the binding tender rules applicable to all tenderers. Further, it would be manifestly unjust for Eskom to render a submission non-responsive should the required Quality and Environmental folder contents not be provided before the tender closing date. In such circumstances, it would plainly be untenable to penalise a tenderer for non-compliance where compliance is structurally impossible.

**Response:** I recommend that you carefully read through the Invitation to Tender (ITT) to fully understand the mandatory documentation required at the tender deadline, the objective criteria, and the contractual requirements. This should be reviewed in conjunction with the clarification meeting minutes and the additional Frequently Asked Questions, paying close attention to details. This will assist in understanding what may render a tender non-responsive. While attendance at the clarification meeting even if it's not compulsory, it is highly encouraged and beneficial. Many of the questions you have raised were already addressed during the session, and the responses have been shared across all platforms as per the tender advertisement.

This correspondence is written in the interests of procedural clarity and good order. It is my expectation, in accordance with the dictates of public law and procurement propriety, that Eskom will furnish the requested particulars with the urgency the matter now plainly requires.

Yours faithfully,

Tlangelani

**From:** Tlangelani Halala <beatriceninagroup27@gmail.com>

**Sent:** Thursday, 03 July 2025 13:32

**To:** Thembi Peter <PeterTP@eskom.co.za>

**Subject:** [CAUTION:EXTERNAL EMAIL] Subject: Urgent Clarification Required: Pricing Schedule Submission Folder – Tender No: E1371DXWC

Dear Ms. Thembi Peter,

I trust this correspondence finds you well.

I hereby formally seek clarification regarding the submission folder requirements for the Pricing Schedule for **Tender No: E1371DXWC – Provision of Physical Security Guarding and Patrol Services at Eskom Holdings SOC Ltd, Dx Division, Cape Coastal Cluster (Western Cape)**.

The tender document on **Page 5 (Annexure 1.1.20)** places the Pricing Schedule within the Technical Folder, yet the **submission instructions on Page 11** mandate that all documents, including the Price List, must be submitted in the Commercial Folder in both PDF and Excel formats. This creates a potential procedural ambiguity.

**Response:** Kindly be advised that this question was addressed during the clarification session. As outlined in the commercial presentation (page 4), the matter is clearly stipulated and further reiterated on page 5 of the clarification meeting minutes. This information was published on 19 June 2025 on both the National Treasury and Eskom tender bulletins to ensure transparency, fairness, and competitiveness.

Additionally, the Frequently Asked Questions (FAQ) document published on 24 June 2025 lists this as the first question.



In reference to your quote on” Section 217 of the South African Constitution—which mandates public procurement to be fair, equitable, transparent, competitive, and cost-effective”—please note that Eskom remains fully compliant with these principles.

Kindly confirm the following with urgency:

1. **In which folder(s) must the Pricing Schedule be uploaded?** Should it be uploaded strictly in the **Commercial Folder, the Technical Folder, or in both?**

**Refer to the response above**

2. Whether failure to upload the Pricing Schedule in the correct folder, despite compliance in substance, would automatically render the submission non-responsive. **Response:** Failure to submit pricing together with the NEC document will render the supplier non-responsive, as Eskom will not have the necessary pricing information for evaluation purposes. Refer to commercial presentation and frequently asked questions.

We respectfully record that this clarification is sought in the interests of administrative fairness, full compliance, and adherence to the principles of **Section 217 of the Constitution of the Republic of South Africa, 1996, which governs public procurement processes.**

Furthermore, we request that the clarification provided in response to this query be formally published on the **Eskom Tender Bulletin, in line with the tender’s instruction to ensure all prospective tenderers have equal access to information.**

We trust that Eskom, as a responsive and transparent public entity, will not unduly disqualify a bidder based on a procedural interpretation where material compliance has otherwise been achieved.


We shall rely upon your response as authoritative and binding.

Thank you for your kind and urgent attention.

Yours sincerely,

Tlangelani

Compiled by:

Employer (Eskom):	
Name	Thembi Peter
Designation:	Snr Advisor Procurement
Signature:	
Date signed:	04/07/2025