

	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

**FOR THE CLEANING OF DAMS AND DISPOSAL OF SLUDGE ON AN "AS-AND-WHEN"
REQUIRED BASIS AT KOMATI POWER STATION**

Tender number	MPKOM10472GX
Issue date	7 October 2022
Closing date and time	10 November 2022 at 10h00 am
Tender validity period	90 days from the closing date and time
Clarification meeting	17 October 2022 @ 10h00 am via MS Teams (Micro Soft Teams) Note: Suppliers are urged to confirm their attendance via e-mail so that invite can be send to them through the very same e-mail address.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Tender Box, Ground Floor No.10 Smuts Avenue WITBANK/EMALAHLENI Mpumalanga

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Date
5 October 2022

Ref
MPKOM10472GX

Enquiries
Ms Girly Mahlangu
☎+27 13 647 6816

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for the cleaning of dams and disposal of sludge on an "as-and-when" required basis at Komati Power Station.

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

- Free of charge

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

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

Yours faithfully



Thevan Pillay
Acting Procurement Manager
Komati Power Station

Date: 2022.10.05

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Contents of Invitation to Tender/Enquiry documents

1. Invitation to tender
 - 1.1 Standard Conditions of Tender (refer to www.eskom.co.za for this document that suppliers are required to download and read)
 - 1.2 Tender Data
 - 1.3 Commercial Tender returnables
2. Evaluation process and criteria
 - Basic Compliance (before the evaluation process kicks in)
 - 2.1 SDL&I Pre qualification criteria
 - 2.2 Functionality
 - 2.3 Commercial
 - 2.4 Price and preference scoring
 - 2.5 Objective criteria
3. Condition of contract (see contract conditions attached)
4. Scope of work/Works Information/Employers Requirements (see NEC3 Contract attached)
5. Pricing data (See NEC3 Contract attached)
6. Annexures

The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	Annexure C-Local Content Declaration-Summary Schedule	Annexure F2	Y
	Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F4	Y

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

6.5	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.6	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.7	Standard Bidding Document (SBD) 4_Annexure A	Bidder's Disclosure SBD 4	Y
6.8	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		Y
6.9	Supplier Development & Localisation (SDL&I) Undertaking		Y

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Ms Girly Mahlangu Tel: +27 13 647 6816 E-mail: girly.mahlangu@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MPKOM10472GX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <p>1. An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

<p>2.1 Eligible tenders</p>	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> • Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium • [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
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2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is :</p> <p>Date: 10 November 2022 Time: 10h00 am</p> <ul style="list-style-type: none"> • Late Tenders will not be accepted • Faxed and e-mailed tenders will not be considered for any evaluation. <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE ESKOM TENDER BOX, GROUND FLOOR NO.10 SMUTS AVENUE WITBANK/EMALAHLENI MPUMALANGA</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>It is the Tenderer's responsibility to ensure that the copy is 100% identical to the original and Eskom will not accept any liability if it bases its evaluation on an incomplete copy provided by the Tenderer.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 3 months.
2.16 Site/clarification meetings (not compulsory)	<p>A clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 17 October 2022 Time: 10h00 am Venue: via MS Teams</p> <p>Note the following:</p> <ul style="list-style-type: none"> • Suppliers are urged to confirm their attendance via e-mail so that invite can be send to them through the very same e-mail address. • Suppliers are requested to download the Micro Soft Teams app on their systems (computer or phones) for them to be able to attend.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

	<ul style="list-style-type: none"> • Suppliers who did not provide their contact details as requested above will not be able to attend the site clarification meeting. <p><u>Please note the following:</u> Attendance of the site clarification meeting is not compulsory. But it is highly recommended that the Contractors should avail themselves for the meeting for correct pricing, to explain scope of work and respond to any questions/queries.</p> <p>Please re-visit the websites regularly to confirm if there are any changes made in the Enquiry Documents.</p> <p>The Enquiry Number MPKOM10472GX document will be discussed and clarified during the meeting.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.23 Alternative tenders	<p>Alternative tenders are not allowed.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> • A different completion date. • A different payment method.
2.25 Conditions of contract	The conditions of contract will be the <i>NEC3 Terms Services Short Contract.</i>
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Prices <i>will not be read out.</i>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender/ RFP are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
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	<ul style="list-style-type: none"> Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.</p>
3.11 Pre-qualification criteria	<p>Pre-qualification criteria are applicable.</p> <p>The following mandatory pre-qualification criteria are applicable herein:</p> <p>As a pre-qualification criterion the Enquiry is open to EME/QSE & LME's that are level 1–3 B-BBEE Compliant entities.</p> <p><u>Mandatory returnable</u></p> <ul style="list-style-type: none"> ➤ Sworn Affidavit for either EME or QSE signed by both Deponent and Commissioner of Oath. ➤ B-BBEE Certificate issued by SANAS accredited verification agencies for companies that qualify to submit. <p>Note: Entities that do not meet this criterion will be disqualified.</p>
3.12 Designated materials and thresholds	<p>Designated material thresholds are not applicable.</p>
3.13 Functionality requirements	<p>Functionality requirements are applicable.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Technical criteria:</p> <p>1. Manpower Requirements: 15%</p> <ul style="list-style-type: none"> *Provide CV of technical skills demonstrating to be equipped with a minimum of 5 years dam cleaning experience. *Submissions to include necessary qualifications and competency certificate aligning with the applicable dam cleaning mechanism. <ul style="list-style-type: none"> ➤ Site manager = -5 points <ul style="list-style-type: none"> *Experience greater or equal to five (5) years = 5pt *Experience less than three (3) years but greater than two (2) years = 3pt *Experience less than two (2) years but greater than one (1) year = 2pt * No experience = 0pt

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Document Identifier	240-114238630	Rev	11
Effective Date	18 February 2022		
Review Date	February 2027		

➤ **Operators- 5 points**

*More than three (3) Operators = **5pt**

*Two (2-3) operators = **3pt**

*(1 to 2) Operator = **2pt**

*No Operator = **0pt**

➤ **Safety officer- 5 points**

*Experience greater or equal to three (3) years = **5 pt**

*Experience less than three (3) years but greater than two (2) years = **3pt**

*Experience less than two (2) years but greater than one (1) year = **2pt**

*No experience = **0pt**

2. Methodology: 45%

➤ Provide CV of technical skills demonstrating to be equipped with a minimum of 5 years dam cleaning experience.

➤ Detailed methodology to specify planning/preparation of activities, mechanism to agitate sludge and de-silt Dams as per the applicable site conditions and isolations provided by the Employer and relevant waste disposal requirements/site.

➤ Specification to include production rate broken down according to the use of equipment and effective rate at which each dam will be desilted, and sludge will be disposed to appropriate s waste disposal site.

*Complete Methodology with referrals to equipment = **45pt**

*Methodology without referrals to equipment = **30pt**

*Methodology provided as per scope of work = **15pt**

*No Methodology provided = **0pt**

3. Project plan: 10%

➤ Provide pdf Gantt chart illustrating a detailed programme to execute the required works.

➤ Programme to summarize the major work activities, estimated durations, and relationships to the other activities of the project.

➤ This includes providing a strategy identifying how quickly labour, machinery, and equipment to execute the required services can arrive and be secured on site.

*Submission of the plan aligning with the overall scope = **10pt**

*Submission of the plan not aligning with the overall scope = **4pt**

*None submission = **0pt**

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

	<p>4. Equipment/Machinery: 5%</p> <p>➤ Provide a letter counter signed by the Contractor’s line of authority for authenticity and quality verification specifying the list of equipment/machinery proposed to be used to desilt and dispose sludge as per the scope issued by the Employer and the contingency plan.</p> <p>*Submitted signed letter with correct tools = 5pt *Submitted unsigned letter without tools = 2.5pt *No letter submitted = 0pt</p> <p>5. Sludge handling, transportation, and disposal: 20%</p> <ul style="list-style-type: none"> • Detailed Spillage Management and Response Procedure. • Hazardous Waste Disposal Site SLA or Disposal permit • Hazardous waste training and licence for transporters <p>*Submission of all 3 above =20pt *Submission of 2 = 10pt *Submission of 1 = 5pt *Submission of none = 0pt</p> <p>6. References: 5%</p> <p>➤ Previous completed Contracts/Orders, with referrals of providing services to conduct both Offline and online Dam Cleaning and disposing sludge using appropriate mechanisms.</p> <p>*Submittal of three and more letters of referral = 5pt *Submittal of two letters of referral=3pt *Submittal of one letters of referral = 2pt *Non submittal of letter = 0pt</p> <p>Minimum threshold: 80% Overall total score: 100%</p> <p>Tenderers who do not meet the 80% threshold for functionality scoring will be disqualified and not be evaluated further.</p>
3.15 Evaluation of price	Prices will be evaluated as follows: <ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule.

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		Effective Date	18 February 2022			
		Review Date	February 2027			

	<ul style="list-style-type: none"> • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 80 or 90 points</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> • 90/10 (for estimated values above R50M inclusive of VAT) or • 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria	<p>Objective criteria are applicable.</p> <p>The following objective criteria apply:</p> <ul style="list-style-type: none"> • SHEQ requirements • SDL&l requirements <p>Please note:-</p> <ul style="list-style-type: none"> • “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

	<ul style="list-style-type: none"> • Tenderers will not be disqualified if they do not comply with the objective criteria • Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.
3.20 Reverse e-auction	Reverse e-auction are not applicable
Contractual Requirements	Contractual Requirements may include the following: <ul style="list-style-type: none"> • SHEQ requirements; and • SDL & I requirements <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements	CIDB Requirements are not applicable

Please note:

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

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

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

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

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or

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		Effective Date	18 February 2022			
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(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

1.3 TENDER RETURNABLES

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award closing
Basic Compliance	One (1) hard copy of the tender	✓	
Pre-qualification criteria: Please Note that : “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; If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the	As a pre-qualification criterion the Enquiry is open to EME/QSE & LME’s that are level 1 –3 B-BBEE Compliant entities. <u>Mandatory Returnable</u> ➤ Sworn Affidavit for either EME or QSE signed by both Deponent and Commissioner of Oath. ➤ B-BBEE Certificate issued by SANAS accredited verification agencies for companies that qualify to submit. Note: Entities that do not meet this criterion will be disqualified. Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity: <ul style="list-style-type: none"> • Name/s of deponent as they appear in the identity document and the identity number. • Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. (Mark the applicable option). • Name of enterprise as per enterprise registration documents issued by the 	✓	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
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respective tenderer must be disqualified	<p>CIPC, where applicable, and enterprise business address.</p> <ul style="list-style-type: none"> Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. (No blank spaces to be left). Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. (Mark the applicable option). Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. (Financial year end to be stipulated by day/month/year). B-BBEE Status level. An enterprise can only have one status level. (Tick applicable level) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. Date deponent signed and date of Commissioner of Oath must be the same. (The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. 		
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars		✓
Annexure C	Integrity Pact Declaration form		✓
Annexure F1-F4	Annexure C-Local Content Declaration-Summary Schedule		✓
	Annexure E-Local Content Declaration-Supporting Schedule to Annexure C		✓

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
Standard Bidding Document (SBD) 4_Annexure A	Bidder's Disclosure SBD 4 • See attached Annexure		✓
Supplier Development & Localisation (SD&L) Undertaking	• See attached Annexure		✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	“proof of B-BBEE status level of contributor” means:- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; (as may be applicable for the particular tendering entity)		✓
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
	*“proof of B-BBEE status level of contributor” means:- (a) the B-BBEE status level certificate issued by an authorised body or person; or	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

(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;	scored zero on B-BBEE for purposes of PPPFA scoring and ranking.		
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
NEC Documentation	Completed NEC pricing schedule and contract data.	✓	
Additional documents required	The Cover sheet Form of Offer and Acceptance Contract Data Provided by the <i>Contractor</i> All Price Lists	✓ ✓ ✓	✓ ✓

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

	Non-Disclosure Agreement CSD Tax Compliance Verification Report All Technical tender returnable	✓ ✓	✓ ✓
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	Documents required as per scope of work: <ul style="list-style-type: none"> Occupational Health and Safety Policy which as minimum conform and comply with ISO 45001:2018 Clause 5.2 and OHS Act. Occupational Health and safety cost breakdown (Cost of PPE; OHS File, Medical, OHS training, etc) Letter of Good Standing Baseline Risk Assessment which outline all activities and indicating if those activities are routine or non-routine, identifying legal and other requirements for each risk identified. Health Risk Assessment in relation to the project-Must be In line with all health related statutory obligations. Occupational Health and Safety Plan which is informed by project baseline risk assessment. COVID-19 Risk assessment which must include all requirements of Hazardous Biological Agents regulation, particularly section 6 subsection 3. Annexure B-Acknowledgement of Eskom OHS Procedures and standards 		✓ ✓ ✓ ✓ ✓ ✓ ✓
Quality	Documents required as per scope of work: <p>Quality requirement as per Category 2 of Eskom Supplier Quality Management Specification QM 58 240-105658000.</p> <p>SECTION A: Quality Management System Requirements (Option 1) Valid certification of Quality Management</p> <ul style="list-style-type: none"> A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant 		✓

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

	SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302) <ul style="list-style-type: none"> Draft/ Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done used in the past 2 years 		✓
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000) <ul style="list-style-type: none"> E.1 Form A is completed and signed. E.2 Historical Information (list) of similar work performed < 2yrs as per the scope of work and/ or specification 		✓ ✓
Other safety/quality documents as required per scope of works	Not Applicable		
Environmental	Documents required as per scope of work: <ul style="list-style-type: none"> A signed environmental Policy in terms of ISO14001:2015 A detailed signed Contractor's Environmental Management Plan (EMP) pertaining to site specific activities A detailed signed Site SHE Representative Appointment Letter Emergency Preparedness Plans as per scope of work. Register of all hazardous substances as per the scope of work. 		✓ ✓ ✓ ✓ ✓
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA

Technical (required for functionality scoring)	1. Manpower Requirements: 15%	✓	
	2. Methodology: 45%	✓	
	3. Project plan: 10%	✓	
	4. Equipment/Machinery: 5%	✓	
	5. Sludge handling, transportation, and disposal: 20%	✓	
	6. References: 5%	✓	

2. EVALUTION PROCESS AND CRITERIA

2.1 SD & L Pre-qualification criteria:

As a pre-qualification criterion the Enquiry is open to EME/QSE & LME's that are Level 1 –3 B-BBEE Compliant entities.

Mandatory Returnable

- Sworn Affidavit for either EME or QSE signed by both Deponent and Commissioner of Oath.
- B-BBEE Certificate issued by SANAS accredited verification agencies for companies that qualify to submit.

Note: Entities that do not meet this criterion will be disqualified.

2.2 Functionality: Cleaning of dams and sludge disposal technical criteria (breakdown):

Elements	Positions	Descriptions	Individual scoring %	Total Weight %
1. Manpower Requirements *Provide CV of technical skills demonstrating to be equipped with a minimum of 5 years dam cleaning experience. *Submissions to include necessary qualifications and competency certificate aligning with the applicable dam cleaning mechanism.	Site manager (5pts)	Experience greater or equal to five (5) years	5	15%
		Experience less than three (3) years but greater than two (2) years	3	
		Experience less than two (2) years but greater than one (1) year	2	
		No experience	0	
	Operator (5pts)	More than three (3) Operators	5	
		Two (2-3) operators	3	
		(1 to 2) Operator	2	
		No Operator	0	
	Safety officer (5pts)	Experience greater or equal to three (3) years	5	
		Experience less than three (3) years but greater than two (2) years	3	
		Experience less than two (2) years but greater than one (1) year	2	
		No experience	0	

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Document Identifier	240-114238630	Rev	11
Effective Date	18 February 2022		
Review Date	February 2027		

2. Methodology *Provide CV of technical skills demonstrating to be equipped with a minimum of 5 years dam cleaning experience. *Detailed methodology to specify planning/preparation of activities, mechanism to agitate sludge and de-silt Dams as per the applicable site conditions and isolations provided by the Employer and relevant waste disposal requirements/site. *Specification to include production rate broken down according to the use of equipment and effective rate at which each dam will be desilted, and sludge will be disposed to appropriate s waste disposal site.	Complete Methodology with referrals to equipment	45	45%
	Methodology without referrals to equipment	30	
	Methodology provided as per scope of work	15	
	No Methodology provided	0	
3. Project plan *Provide pdf Gantt chart illustrating a detailed programme to execute the required works. *Programme to summarize the major work activities, estimated durations, and relationships to the other activities of the project. *This includes providing a strategy identifying how quickly labour, machinery, and equipment to execute the required services can arrive and be secured on site	Submission of the plan aligning with the overall scope	10	10%
	Submission of the plan not aligning with the overall scope	4	
	None submission	0	
4. Equipment/Machinery *Provide a letter counter signed by the Contractor's line of authority for authenticity and quality verification specifying the list of equipment/machinery proposed to be used to desilt and dispose sludge as per the scope issued by the Employer and the contingency plan.	Submitted signed letter with correct tools	5	5%
	Submitted signed letter with incorrect tools	1	
	Unsigned letter with correct tools	1	
5. Sludge handling, transportation, and disposal *Detailed Spillage Management and Response Procedure. *Hazardous Waste Disposal Site SLA or Disposal permit. *Hazardous waste training and licence for transporters.	Submission of all 3 above	20	20%
	Submission of 2	10	
	Submission of 1	5	
	Submission of none	0	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

6. References *Previous completed Contracts/Orders, with referrals of providing services to conduct both Offline and online Dam Cleaning and disposing sludge using appropriate mechanisms.	Submittal of three and more letters of referral	5	5%
	Submittal of two letters of referral	3	
	Submittal of one letters of referral	2	
	Non submittal of letter	0	
Minimum Threshold			80%
Overall Total			100%

Note:

Tenderers who do not meet the 80% threshold for functionality scoring will be disqualified and not be evaluated further.

2.3 Commercial

- **Tenderers are not, under circumstances to deviate from the required stipulated format for the provision of pricing.**

NB: Tenderers who are Commercially not responsive will not be evaluated further.

2.4 Price and Preference Scoring

PPPFA Based on 80/20 Principle

80/20

or

90/10

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

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

2.5 Objective Criteria

- Health and Safety Requirements
- Environmental Requirements
- Quality Requirements
- SDL & I Requirements

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
 2. _____
 3. _____
-
-

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

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

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement:

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

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

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

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

- 8.1 Confirm if you intend sub-contracting

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

- 8.2 What percentage will you be sub-contracting? _____%
- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

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

- 8.5 If yes to 8.4, please provide CSD number._____
- 8.4 Please confirm B-BBEE level of said sub-contractor_____

- 8.5 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women
 - d. Black people with disabilities
 - e. Black people living in rural or underdeveloped areas or townships
 - f. Cooperatives which are 51% owned by Black people
 - g. Black people who are military veterans

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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Document Identifier	240-114238630	Rev	11
Effective Date	18 February 2022		
Review Date	February 2027		

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

Item	Question	Yes/No	No
1.1	<p>Is the tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

(A copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners is attached to the invitation to tender/Request for proposal).

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?
(Tick applicable box)

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

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
------------------------------	---

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

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

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Annexure H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2
 - a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
 - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

3. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

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

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

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?
 (*Tick applicable box*)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE
 (*Tick applicable box*)

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

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2027			

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT _____ registration number:.....

8.3 Company _____ registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of

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	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
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contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE:</p>

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