

	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

Supply of labour, transport and equipment for the drilling of holes on rock, required when constructing Eskom infrastructure projects within Mpumalanga Zones: Ermelo, Emalaheni, Mbombela and Limpopo Zones: Polokwane, Lephalale, Groblersdal, Tzaneen and Thohoyandou within Limlanga Cluster on an “as and when” required basis for a period of 5 years.

Tender number	MWP1500DX
Issue date	25 July 2022
Closing date and time	23 August 2022 at 10h00
Tender validity period	12 weeks <i>from the closing date and time</i>
Clarification meeting	A clarification meeting will be held via Microsoft Teams on; 10 August 2022 at 10h00 Click here to join the meeting Control Click on the link above to connect to this meeting.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Holding SOC Ltd The Tender Office MWP Tender Office Retail Centre 1 Maxwell Drive Sunninghill

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender for the provision of the required scope of work in Limlanga Cluster on an as and when required basis.*

Supply of labour, transport and equipment for the drilling of holes on rock, required when constructing Eskom infrastructure projects within Mpumalanga Zones: Ermelo, Emalaheni, Mbombela and Limpopo Zones: Polokwane, Lephalale, Groblersdal, Tzaneen and Thohoyandou within Limlanga Cluster on an “as and when” required basis for a period of 5 years.

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/proposal 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 /RFP documents may be addressed to the Eskom *Representative*.

Yours faithfully



Pumezile Makeba

Procurement Manager Limlanga Cluster - Mpumalanga

Date: 25 July 2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Yes
6.2	*Tenderer's particulars	Annexure B	Yes
6.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Yes
6.4	CPA Requirements for Local Goods/Services	Annexure D	Yes
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E Not applicable	No
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Not applicable	Annexure F Not applicable	No
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Yes
6.9	Standard Bidding Document (SBD4).	Annexure I	Yes
6.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE Not applicable	Not applicable	No
6.11	Supplier Development & Localisation (SDL&I) Undertaking	Annexure J	Yes
6.12	Reverse e-auction training acknowledgement form (if applicable)	Not applicable	No
6.13	Reverse e-auction process (if applicable)	Not applicable	No
6.14	Contract Skills Development Goals (CSDG) [if applicable]	Not applicable	No
6.15	Contract Participation Goals (CPG) [if applicable]	Not applicable	No

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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**; 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: Teresa Bronkhorst Tel: 011 709 3700 E-mail: BronkhTB@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MWP1500DX</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: 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 only.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV or consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.

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	<ul style="list-style-type: none"> • 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>
2.2 -2.5 Tender Closing	The deadline for Tender submission is: Date: 23 August 2022 Time 10h00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: Eskom Holding SOC Ltd The Tender Office MWP Tender Office Retail Centre 1 Maxwell Drive Sunninghill CLEARLY MARKED: CONFIDENTIAL TENDER NO: MWP1500DX NOTE: No emailed or faxed tenders will be accepted. Tenders must be hand delivered to the above address.
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) exact hard copy of the original tender at tender submission deadline. Where a Tenderer does not submit one (1) exact hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.

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2.13 Tender Validity Period	The tender validity period is 12 weeks .
2.16 Site/clarification meetings	<p>A clarification meeting will be held via Microsoft Teams on; 10 August 2022 at 10h00.</p> <p>Click here to join the meeting</p> <p>Control Click on the link above to connect to this 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 05 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed
2.25 Conditions of contract	The conditions of contract will be the NEC3 Engineering and Construction Short Contract (ECSC3)
2.31 Provision of security for performance	Not applicable.
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on: Place: Eskom Holding SOC Ltd The Tender Office MWP Tender Office Retail Centre 1 Maxwell Drive Sunninghill</p> <p>Date: 23 August 2022 Time: 10h00</p>
3.5 Prices to be read out	Prices will not be read out .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer. • Submit one (1) exact hard copy of the original tender to Eskom. • Submit a complete original tender with commercial, financial and technical information. • Submission of the mandatory commercial and technical tender returnable documents as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....).
3.10 Mandatory tender returnables	<ul style="list-style-type: none"> • Acceptance of the NEC3 Engineering and Construction Short Contract (ECSC3) conditions by signing the form of offer and acceptance within the NEC3 Engineering and Construction Short Contract document or submitting a confirmation of acceptance in their company's letterhead. It should be noted that failure to submit the confirmation or deviation thereof will be deemed as an acceptance of the terms and conditions.

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	<p>Note - The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.</p> <ul style="list-style-type: none"> • Acceptance of the standard rates within the NEC3 Engineering and Construction Short Contract document. • Declaration of Shareholding and Directorship - The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest. • DOIs Verified – submit completed and signed Integrity Pact Declaration/Supplier declaration of interest. • Submitted proof of the registration on National Treasury's Central Supplier Database (except Foreign Suppliers / Central Supplier Database (CSD) or number MAAA (.....)). • Submit completed and signed SBD 1 as included in the invitation to tender document. • Submit completed and signed SBD 6.1: Preference Points Claim Form in terms of PPPFA 2017 regulations as included in the invitation to tender document. • Submit completed Standard Bidding Document (SBD4). • Submit completed and signed Non-Disclosure agreement (NDA). • Companies are to provide SANAS accredited B-BBEE if not Affidavit. • Non-responsive/Unacceptable tenders will be disqualified, and all the responsive tenders will be evaluated further. <p>A tenderer that does not submit mandatory documents/information 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> <p>Mandatory Technical tender returnable and required documents:</p> <p>The technical threshold is 70%.</p> <p>The technical returnables must be contained in a separate technical file or as a section in a file labelled technical and indexed in a logical manner. The evaluation will be conducted in three consecutive stages, i.e.</p>
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	<p>Stage 1: Mandatory requirements, Stage 2: Functional requirements evaluation and Stage 3: Site Assessments (if required).</p> <ul style="list-style-type: none"> Refer to the extract for Technical Mandatory Requirements as per the Technical Evaluation Criteria document SI-44, Rev 3. in the Technical folder of this tender. <p>Table 1 on the next page lists the mandatory requirements that must be submitted by the tenderer: Please note that if any of the requested documentation is omitted (i.e., not submitted), the tender application shall be discarded/disqualified without requesting tenderer/s to submit outstanding documentation/s.</p> <p>The evaluator shall indicate with a Yes/No whether the requirement is met or not. Once the mandatory requirements are satisfied through an evaluation conducted by the evaluator, the technical evaluation for mandatory evidence will proceed.</p>
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Item no.	Criteria	Evidence	Minimum Requirement	Yes/No
1.	Rock Drill rig operator training certificate	Qualified Rock drill operator and Drill rig operator NQF 2/3	<p>Certificate must be for a rock drill operator. Number of certificates required is 1(one) Only certified copies of certificates will be accepted as valid. Validity period of certified copies is 6 months. Only certificates of persons who appear on the company's Technical Organogram will be accepted. The training certificate must not be expired.</p> <p>Exceptions: If the training certificate has expired and the certificate holder was unable to renew the certificate due to delays experienced as a result of the COVID-19 pandemic, then proof of renewal application/booking attempts must be submitted with the expired certificate.</p>	
2.	Tools and equipment List/register	Signed Tools and equipment List/register. Make use of the Eskom provided List for this tender or duplicate the same and ensure it is signed.	<p>The register must show quantities and if tools are owned or hired and the required serial numbers.</p> <p>The register must be signed by the Director/CEO/Owner. (Fully completed and signed)</p>	
3.	Vehicles List/register	Signed vehicles List/register. Make use of the Eskom provided List for this tender or duplicate the same and ensure it is signed.	<p>The register must show quantities and if vehicles are owned or hired and the required registration.</p> <p>The register must be signed by the Director/CEO/Owner. (Fully completed and signed)</p>	
3.11 Pre-qualification criteria		<p>• Pre-qualification criteria is applicable</p> <ul style="list-style-type: none"> • Only B-BBEE QSE and EME Level 1 to Level 2 companies are eligible to tender. • Companies are to provide valid SANAS accredited B-BBEE Certificates or valid and fully completed sworn affidavit confirming their B-BBEE status as Level 1 to Level 2. 		

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SUPPLIER DEVELOPMENT, LOCALIZATION AND INDUSTRIALISATION CRITERIA	
Pre-Qualification	<ul style="list-style-type: none"> Only B-BBEE QSE and EME status Level 1 to Level 2 companies are eligible to tender. Companies are to provide valid SANAS accredited B-BBEE Certificates or valid and fully completed sworn affidavit; confirming their B-BBEE status as Level 1 to Level 2.
B-BBEE Certificates/Sworn Affidavits	<p>Mandatory Returnable for B-BBEE Requirement:</p> <ul style="list-style-type: none"> Certified and Valid copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or Certified and Valid copy of B-BBEE Sworn Affidavit for either EME or QSE (See Key Notes Below to determine Validity of a Sworn Affidavit); or
	<ul style="list-style-type: none"> Valid copy of B-BBEE Certificate issued by CIPC for EMEs' only. <p>KEY NOTES OF DETERMING VALIDITY OF B-BBEE SWORN AFFIDAVITS:</p> <p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure the validity.</p> <ol 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 CIPC where applicable and enterprise business address.

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		<p>d) Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <u>(No blank spaces to be left).</u></p> <p>e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management accounts. <u>(Mark the applicable option).</u></p>
		<p>f) Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. <u>(Financial year end to be stipulated by day/month/year).</u></p>
		<p>g) B-BBEE Status level. An enterprise can only have one status level. (Tick applicable level Empowering supplier status must be indicated.</p> <p>h) Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath). Furthermore the Commissioner must also sign and stamp).</u></p> <p>i) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.</p> <p>j) If the relevant documentation/information as stipulated in the enquiry is not submitted and/or in case of a B-BBEE Sworn Affidavit does meet the above key requirements; said tenders will be disqualified.</p>

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	<p>k) If the relevant documentation/ information as stipulated in the enquiry is not submitted and/or in case of a B-BBEE Sworn Affidavit does meet the above key requirements this said tenders will be disqualified.</p> <p>l) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.</p>																								
3.12 Designated materials and thresholds	Designated material thresholds is not applicable																								
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria, see detailed criteria as per attached SI-MOU-44 Technical Evaluation Criteria document Rev 3.:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Item</th> <th style="width: 70%;">Description</th> <th style="width: 20%;">Weight</th> </tr> </thead> <tbody> <tr> <td colspan="3" style="text-align: center;">Functional Requirements</td> </tr> <tr> <td style="text-align: center;">1.</td> <td>Training Requirements & Organisational Personnel</td> <td style="text-align: center;">30%</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Company Work Related Experience</td> <td style="text-align: center;">10%</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Written/documented method statements/work specifications</td> <td style="text-align: center;">20%</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Tool & Equipment</td> <td style="text-align: center;">20%</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Vehicles</td> <td style="text-align: center;">20%</td> </tr> <tr> <td colspan="2" style="text-align: right;">Threshold</td> <td style="text-align: center;">70%</td> </tr> </tbody> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>	Item	Description	Weight	Functional Requirements			1.	Training Requirements & Organisational Personnel	30%	2	Company Work Related Experience	10%	3	Written/documented method statements/work specifications	20%	4	Tool & Equipment	20%	5	Vehicles	20%	Threshold		70%
Item	Description	Weight																							
Functional Requirements																									
1.	Training Requirements & Organisational Personnel	30%																							
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3	Written/documented method statements/work specifications	20%																							
4	Tool & Equipment	20%																							
5	Vehicles	20%																							
Threshold		70%																							
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <p>The prescribed (PPPFA) formulae for the determination of scoring and ranking will be used for functionality and B-BBEE. The 80/20 preference points system will be applicable</p>																								

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	<p>Prices will be scored out of 80 will be for price (Calculate price points out of 80 (Price = Tendered)).</p> <ul style="list-style-type: none"> • Only tenderers who passed commercial, and technical evaluations will be evaluated on price and all tenderers who accepted the offered rates and qualify will be awarded 80 points. • Tenderers will then receive for B-BBEE status level out of 20 points. • The standard rates are applicable and it is a mandatory requirement for tenderers to accept the offered rates. • Tenderer to sign and accept the rates provided on the NEC3 Engineering and Construction Contract (ECSC3) document by initialing all the pages and fully sign on the last page of the offered rates. • Failure to do so will render your company non-responsive and will not be evaluated further. <p>Section 18</p> <p>18.1) In the event that two or more tenders have scored equal total points, the successful tender must be the one scoring the highest number of preference points B-BBEE.</p> <p>18.2) However, when functionality is part of the evaluation process and two or more tenders have scored equal points including equal preference points for B-BBEE, the successful tender must be the one scoring the highest score for functionality.</p> <p>18.3) Should two or more tenders be equal in all respects; the award shall be decided by the drawing of lots.</p> <p>Eskom Holdings SOC Ltd reserves the right to award a tender to a supplier who may not be the highest scoring or highest ranked supplier in line with Section (2)(1)(f) of the PPPFA.</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points.</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 points for price and will score 0 points for B-BBEE status/level (out of 20)</p>
3.18 Ranking of tenders	<p>The successful tenderers after Price and B-BBEE of the evaluation process will be evaluated further on contractual requirements. The number of tenderers required will be selected after contractual requirements based on the highest preference points from Step 4 (Price and Preference).</p>

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	<p>Should more than the number of required tenderers be tied in scoring the following will be applied to achieve the required number of tenderers required:</p> <ul style="list-style-type: none"> • If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE. • If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points for B-BBEE, the contract must be awarded to the tenderer that scored the highest points for functionality. • If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots. <p>The request of the outstanding contractual requirements will be sent to all the contractors that passed commercial, technical and price evaluations mentioned above.</p>
3.19 Objective Criteria (if applicable)	Objective criteria are not applicable
3.20 Reverse e-auction (if applicable)	Reverse e-auction not applicable
Contractual Requirements	<p>Contractual Requirements include the following:</p> <ul style="list-style-type: none"> • Commercial statutory documents and • SHE requirements and. • Quality requirements and • Environmental and • Financial (Not applicable) and • SDL&I undertaking. <p>a) Commercial statutory documents</p> <ul style="list-style-type: none"> • Tax Compliance Status (TCS) e-filing PIN from SARS. • Valid Original certificate of good standing or proof of application issued by the Compensation Fund (COID). • Proof of National Treasury Central Supplier Database registration (CSD) that has a tax compliant status at award. • B-BBEE Certificates or Sworn Affidavits. • Compliance with Employment Equity Act. <p>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status.</p> <p>Paragraph 4.2 states that “where the recommended bidder is tax no-complaint, the bidder must be notified in writing of their non-compliant status and the bidder must be requested to submit</p>

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	<p>written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations within 7 working days.”</p> <p>Should the recommended bidder fail to provide written proof of their tax compliance status in terms of the paragraph 4.2 above, then their submitted bid must be rejected.</p> <p>It should be noted that Safety, Quality and Environmental requirements would be evaluated on all highest ranked companies, which were found to be technically viable. The responsible Procurement Practitioner will communicate the shortfalls identified after the first evaluations are done to all eligible tenderer/s.</p> <p>The tenderer/s would then be afforded an opportunity Only Once to correct and resubmit within seven (7) working days, however failing to submit by the stipulated deadlines shall render the tenderer/contractor non-responsive.</p> <p>Both first and second evaluations may be subjected to reviews/moderations for quality and assurance purposes before the final OHS report is compiled and submitted to the Procurement Practitioner indicating responsive and non-responsive tenderers where applicable.</p> <p>These OHS Legal requirements are generally a legal compliance and/or risk-related based criteria for which points will not be allocated but they need to be fully met by the contractors before tender award.</p> <p>Failure to meet all Section A OHS tender returnables/requirements as stipulated shall result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>b) SHE Tender Requirements</p> <p>Please take a note that all section A OHS requirements shall be submitted at the date and time of the tender inquiry closing.</p> <ul style="list-style-type: none"> • SHE Annexure C1. • SHE Annexure B.
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	<p>These to documents are attached under the SHE folder on the www.eskom.co.za tender bulletin.</p> <p>c) Quality Tender Requirements</p> <ul style="list-style-type: none"> • Completion and submission of Category 3 Quality Requirements. • Completion and submission of Contract Quality Plan. • Completion and submission of ITP. • Copy of Category 3 Quality Assessment Criteria. • 240-105658000 (QM58), Rev 3 this document is for reference only and should not be printed added to the tender document. <p>These to documents are attached under the Quality folder on the www.eskom.co.za tender bulletin.</p> <p>d) Environmental Tender Requirements</p> <p>1. Environmental Policy:</p> <ul style="list-style-type: none"> • Must be signed by CEO or Managing member. • Must include a commitment to environment (e.g. prevent pollution, establishment of ISO 14001, compliance to legal and other requirements). <p>2. Company organogram:</p> <ul style="list-style-type: none"> • SHE Officer/Manager REP with the assumption that the E – is for environment • Environmental Officer <p>3. Environmental appointment letters:</p> <ul style="list-style-type: none"> • A point was given for a letter (template) with the following – appointment as an environmental officer/environmental rep where the duties listed correlated with environmental management (e.g., monitor compliance with EMP, ensure compliance to and the knowledge of NEMA, management of waste, compliance to ISO 14001 requirements). • Letters which met requirement 1 were awarded a 1 whether they were signed or not signed (on the assumption that appointments would be made once the project team was known, following the awarding of tenders). <p>4. Communication strategy or communication Plan: Procedure to include the following:</p> <ul style="list-style-type: none"> • What is being communicated e.g., Environmental/SHE matters. • To whom. • Frequency. • The purpose. <p>5. Environmental incident Register:</p>
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	<ul style="list-style-type: none"> • This register is usually in a tabular manner with the following fields: Description of incident, date of incident, reported to, actions taken and status of recommendations. <p>6. Environmental Aspects & Impacts (Risk Assessment):</p> <ul style="list-style-type: none"> • Impacts and aspects register is usually in a tabular format and is an account of activities which will be done on site, the aspect of the environment which could be affected and the type of impacts which could result. • Risk Assessments which identified ways in which the environment would be impacted were also awarded 1. • Must have identified risks prevalent to the project scope e.g., protected & indigenous trees, wildlife interactions. <p>7. Environmental Emergency Preparedness & Response Plan:</p> <ul style="list-style-type: none"> • Procedure listing possible environmental emergencies that could occur e.g., chemical spillages, air pollution incidents and encounters with bees and snakes • The procedure needs to also deal with how to respond to such situations. The plan must be practical and include information such as reporting chains and clean-up methods <p>8. Environmental Management Plan:</p> <ul style="list-style-type: none"> • An EMPr should ideally be linked with the aspects identified in the Aspects and Impacts register. The following should be met for a contract 1 to be awarded: • EMPr should be comprehensive and inclusive of site elements likely to interact with the environment. It should address how environmental impacts resulting from construction activities will be managed and mitigated. • General topics of discussion in EMPr include soil erosion, ablation facilities, chemical storage, fauna and flora, waste management, camp site management etc. <p>Specific risks unique to the area must be addressed e.g., working in protected areas; removal of indigenous trees requires permits/ licenses – how will the company manage this risk.</p> <p>9. Waste management strategy/Plan (WMP):</p> <ul style="list-style-type: none"> • A WMP should include a description of the different waste streams expected on site, how these will be stored, transported and disposed of. How will the company manage their waste in this area (where are the registered landfills for the area), as well as the paper trail for proof of disposal, etc. • The WMP should also deal with prevention of pollution, littering and waste minimization methods such as reuse, recycle and reduce. <p>10. Environmental Awareness Training (Post contract award).</p>
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	<ul style="list-style-type: none"> Valid Eskom's Environmental law certificate (within 3 years) – this will be required post contract award (not required at this stage). <p>Environmental Contract condition Contractors who do not have competency training certificate, i.e., Environmental law or relevant training course (Internal Eskom training for Environmental Legislation) will be required to be trained prior to task order allocation).</p> <p>e) Financial analysis of the statements The risks are low and financial statements will not be analysed due to the fact that task order values are not known upfront at contract award stage.</p> <p>f) Skills, development, localization and industrialization Eskom reserves the right to negotiate with the tenderer on Eskom's requirements.</p> <p>The outcome of the negotiations will be a contractual obligation and tenderer's SDL&I undertaking will become a contractual condition.</p>
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Please note:

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

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

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

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

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

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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
Pre-qualification criteria:	Pre-qualification criteria <i>is applicable</i> <ul style="list-style-type: none"> Only B-BBEE Level 1 to Level 2 companies are eligible to tender. Certified and Valid copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or Certified and Valid copy of B-BBEE Sworn Affidavit for either EME or QSE (See Key Notes on page 10 to 12 of this tender document to determine Validity of a Sworn Affidavit); or Valid copy of B-BBEE Certificate issued by CIPC for EMEs' only. 	✓	
Mandatory Basic Compliance	<ul style="list-style-type: none"> Meet the eligibility criteria for a tenderer. The tenderer must submit the tender as a complete original tender, plus one (1) exact hard copy of the original tender at tender submission deadline. Submission of the mandatory commercial and technical tender returnable documents. Central Supplier Database (CSD) number (MAA.....). 	✓ ✓ ✓ ✓	
Mandatory Commercial tender returnables	<ul style="list-style-type: none"> Acceptance of the NEC3 Engineering and Construction Short Contract (ECSC3) conditions by signing the form of offer and acceptance within the NEC3 Engineering and Construction Short Contract document or submitting a confirmation of acceptance in their company's letterhead. It should be noted that failure to submit the confirmation or deviation thereof will be deemed as an acceptance of the terms and conditions. <p>Note - The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.</p>	✓ ✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Mandatory Technical tender returnables	<p>The technical threshold is 70%.</p> <p>The technical returnables must be contained in a separate technical file or as a section in a file labelled technical and indexed in a logical manner. The evaluation will be conducted in three consecutive stages, i.e.</p> <p>Stage 1: Mandatory requirements, Stage 2: Functional requirements evaluation and Stage 3: Site Assessments (if required).</p> <ul style="list-style-type: none"> Refer to the extract for Technical Mandatory Requirements as per the Technical Evaluation Criteria document SI-44, Rev 3. in the Technical folder of this tender. <p>Table 1 on the next page lists the mandatory requirements that must be submitted by the tenderer: Please note that if any of the requested documentation is omitted (i.e., not submitted), the tender application shall be discarded/disqualified without requesting tenderer/s to submit outstanding documentation/s.</p> <p>The evaluator shall indicate with a Yes/No whether the requirement is met or not. Once the mandatory requirements are satisfied through an evaluation conducted by the evaluator, the technical evaluation for mandatory evidence will proceed.</p>	✓	

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Item no.	Criteria	Evidence	Minimum Requirement
1.	Rock Drill rig operator training certificate	Qualified Rock drill operator and Drill rig operator NQF 2/3	<p>Certificate must be for a rock drill operator. Number of certificates required is 1(one) Only certified copies of certificates will be accepted as valid. Validity period of certified copies is 6 months. Only certificates of persons who appear on the company's Technical Organogram will be accepted. The training certificate must not be expired.</p> <p>Exceptions: If the training certificate has expired and the certificate holder was unable to renew the certificate due to delays experienced as a result of the COVID-19 pandemic, then proof of renewal application/booking attempts must be submitted with the expired certificate.</p>
2.	Tools and equipment List/register	Signed Tools and equipment List/register. Make use of the Eskom provided List for this tender or duplicate the same and ensure it is signed.	<p>The register must show quantities and if tools are owned or hired and the required serial numbers.</p> <p>The register must be signed by the Director/CEO/Owner. (Fully completed and signed)</p>
3.	Vehicles List/register	Signed vehicles List/register. Make use of the Eskom provided List for this tender or duplicate the same and ensure it is signed.	<p>The register must show quantities and if vehicles are owned or hired and the required registration.</p> <p>The register must be signed by the Director/CEO/Owner. (Fully completed and signed)</p>

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	One (1) hard copy of the original tender	✓	
Pre-qualification Mandatory • Only B-BBEE Level 1 to Level 2 companies are eligible to tender.	<ul style="list-style-type: none"> • Certified and Valid copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or • Certified and Valid copy of B-BBEE Sworn Affidavit for either EME or QSE. Confirming their status as Level 1 or 2 company. (See Key Notes on page 10 to 12 within this document how to determine Validity of a Sworn Affidavit); or • Valid copy of B-BBEE Certificate issued by CIPC for EMEs' only. 	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	Not applicable	
Annexure E	CPA(IG) for imported goods/services (if applicable)	Not applicable	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E [only applicable where designated materials are included] NB! Please note that designated material for local content needs to be completed in full even when reverse e-auction is used	Not applicable	
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	✓	
Annexure I	Submit completed Standard Bidding Document (SBD4)	✓	
Annexure J	Supplier Development & Localisation (SD&L) Undertaking		✓

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
(DOI) Declaration of Interest (Attached separately in the Commercial folder)	Declaration of interest form	✓	
Non-Disclosure Agreement (NDA) (Attached separately in the Commercial + SDL&I folder)	Non-Disclosure Agreement NDA document to be completed, signed and submitted with the tender documents by tender submission deadline.	✓	
Company registration (CIPRO) and 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)	✓	
NEC3 Documentation (Attached separately in the NEC3 + BOQ folder)	Fully completed and signed NEC3 Engineering and Construction Short Contract (ECSC3) contract document and acceptance the Standard Rates.	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium (if applicable)	✓	
*B-BBEE Certificates or Sworn Affidavit (EME/QSE can submit either)	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. (if applicable)	✓	
	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) (if applicable)		✓
	* A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate depending on whether they are an incorporated/ unincorporated entity respectively. (if applicable)	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Tax Clearance Certificates	<p>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).</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p>		✓
Tax Evaluation Questionnaire (if services contract and was included as an annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Not applicable	
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)		✓
CIDB	Valid proof of CIDB (Construction Industry Development Board) CIDB class level grading and higher - CRS number to be provided or completed accordingly on Annexure B "Tenderer's particulars	Not applicable	

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DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Submit with tender document			
Safety	Submission as per Safety Annexure C1 and Annexure B SHE Tender returnables. (Attached as part of the SHE tender pack)	✓	
Quality	Submission as per Quality 240-12248652 Category3- List of Tender Returnables (Attached as part of the Quality tender pack).	✓	
Environmental	Submission as per Environmental evaluation criteria. (Attached as part of the Environmental tender pack)	✓	
Due Diligence (Financial Statements)	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.	Not applicable	

DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (Attached as part of the Technical folder)	Submission as per attached SI-MOU-44 Technical Evaluation Criteria document Rev 3.	✓	

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We are in receipt of the Invitation to Tender 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 Content List, and that each document is complete.

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement:

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

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

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

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Invitation to Tender No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company /JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member, and combined CIDB contractor grading designation (for JVs)	Not applicable
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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

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

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

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

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

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

- 8.1 Confirm if you intend sub-contracting

YES		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

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

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

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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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:	

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

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ANNEXURE 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:	MWP1500DX	CLOSING DATE:	23 August 2022	CLOSING TIME:	10h00
DESCRIPTION	Supply of labour, transport and equipment for the drilling of holes on rock, required when constructing Eskom infrastructure projects within Mpumalanga Zones: Ermelo, Emalaheni, Mbombela and Limpopo Zones: Polokwane, Lephalale, Groblersdal, Tzaneen and Thohoyandou within Limlanga Cluster on an "as and when" required basis for a period of 5 years.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

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

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		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<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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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 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 PROOF OF TCS / PIN / CSD NUMBER.

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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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Annexure H

SBD 6.1

PREFERENCE POINTS CLAIM FORM

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.

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 below R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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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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3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

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 Eskom Procurement and Supply Chain Management, 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

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5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: =(maximum of 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 sub-contracted%
- 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		

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Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

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:.....

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

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

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State Institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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

2.2.1 If so, furnish particulars:

.....

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

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature	Date
Position	Name of bidder

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ANNEXURE J

A Panel contract for the supply of labour, transport and equipment for the drilling of holes on rock, required when constructing Eskom infrastructure projects within Mpumalanga Zones: Ermelo, Emalahleni, Mbombela and Limpopo Zones: Polokwane, Lephalale, Groblersdal, Tzaneen and Thohoyandou within Limbanga Cluster on an “as and when” required basis.

SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION UNDERTAKING:

Tenderers are required to make undertakings to advance designated groups through Local Procurement Content, skills development and job creation commitments.

The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award.

Tenderer’s SDL&I undertaking will also become a contractual obligation.

1. Local Procurement Content

Local Procurement Content” refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component.

Local Procurement Content	Eskom Target	Tenderer Proposal
	100%	

2. Skills Development

It is obligatory that 0.25% of the cumulative task order value is to be committed on skills development.

Tenderers who complete and submit the undertaking as required, but who do not meet Eskom’s targets, will not be disqualified. SD&L undertakings do not form part of scoring, but commitments will form part of contractual obligations

Enterprise Development – Sub-contracting

The main contractor will be required to propose development in the following areas; Subcontracting a maximum of 10% to an EME local to site in the following:

Support Description	Tenderer Proposal
<ul style="list-style-type: none"> - Transporting staff to and from site - Local procurement – PPE 	

Job Opportunities

Tenderer to indicate number of Jobs to be created and/or retained from this contract;

Number of Jobs to be created	Number of Jobs to be retained
Tenderers to propose	

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Skills Development

Tenderers are required to propose the type and number of skills they will develop, which after negotiations and agreement will then form part of contractual agreement

Category	Eskom Target	Tenderer Proposal
Electrical	Rock drill truck driver	
Electrical	Augur operator	
Electrical	Safety Rep	
Office Management	Admin Officer	

Other Initiatives - None

3. Job Creation

Tenderers should indicate the number of jobs to be created as a direct result of this contract. While recruiting, the tenderer should prioritise people residing in the local communities.

Number of jobs to be created as a result of contract	Tenderers Proposal
Tenderer to propose	

Tenderer to also provide breakdown of jobs to be created and/or retained in this table:

Category	Jobs retained	Jobs to be created
Management		
Expert Skills		
Skilled workers		
Semi-skilled		
Unskilled		
Total		

Name of Contactor's Representative	
Designation	
Signature	
Date:	

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Insert your fully signed NEC3 (ECSC3) document here check the NEC3 + BOQ Folder

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