**ANNEXURE J**

**Section 1: Criteria for Preferential Procurement**

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| SD&L will apply the following pre-qualification criteria as envisaged in PPPFA 2017 regulation 4 |
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|  | **YES** | **NO** |
| 1. **Minimum BBBEE status level of contributor?**
 |[ ] [x]
| If *Yes,* what is the BBBEE status and/or level required |  |

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|  | **YES** | **NO** |
| 1. **Is there BBBEE category targeted for this enquiry?**
 |[ ] [x]
| If *Yes,* BBBEE category |  |

Tender Returnable if the above elements are requirements;* Valid original or certified copy of sworn affidavit in the case of EME’s must be submitted (affidavit must be completed fully), or
* Valid Copy B-BBEE Certificate issued by CIPC for EME’s. OR
* Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE’s must be submitted, or
* Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or
* For JV’s only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV.

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|  | **YES** | **NO** |
| 1. **Minimum subcontracting requirement for this?**
 |[ ] [x]
| If *Yes,* what is the minimum percentage? |  |

Tender Returnable if the above element is a requirement;* Proof of a sub-contract agreement/s must be submitted.
* Sub-contractor/s B-BBEE certificate / sworn affidavit must be submitted.
* Sub-contracting agreements can only be concluded with one of the following entities;
* an EME or QSE which is at least 51% owned by black people;
* an EME or QSE which is at least 51% owned by black people who are youth;
* an EME or QSE which is at least 51% owned by black people who are women;
* an EME or QSE which is at least 51% owned by black people with disabilities;
* an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships;
* a cooperative which is at least 51% owned by black people;
* a EME or QSE which is at least 51% owned by black people who are military veterans
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**Section 2: Mandatory Requirements**

**2.1 Designated Sectors (N/A)**

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| When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer |
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|  | **YES** | **NO** |
| 1. Is this Commodity or part of it a Designated Sector?
 |[ ] [x]
| Please indicate below Designated Components |  |
| **Commodity** | **Components** | **Local Content Threshold** |
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**NOTE**: SBD 6.2 Declaration Form and Annexure C (Local Content Declaration-Summary Schedule) is therefore **mandatory** and must be a tender returnable. |

**2.2 CIDB Skills Development (N/A)**

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| **Continuation of Mandatory Requirements** |
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|  | **YES** | **NO** |
| 1. **Is there CIDB compulsory training?**
 |[ ] [x]
| If *Yes,* what is the% of the Construction Skills Development Goal % (CSDG) | **N/A** |
|  |  |

 If the answer above is Yes, it will then be mandatory for the supplier to match Eskom’s targets

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| **Criteria** | **Eskom Target** | **Tenderer Commitment** |
| CSDG Percentage | N/A |  |
| Description | N/A |  |

**NOTE**: Failure by the Contractor/Service Provider/Supplier to meet the CIDB CSDG mandatory % will render their tender non-responsive. |

**Section 3: SD&L Undertaking for negotiation**

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| 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 or Supplier DevelopmentThe main contractor will be required to propose development in the following areas;

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| **Support Description** | **Tenderer Proposal** |
|  |  |

Job OpportunitiesTenderer 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**  |
| Supplier to indicate no of Jobs created |  |

Skills DevelopmentTenderers are required to propose against the following training initiatives;

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| --- | --- | --- |
| **Category** | **Eskom Target** | **Tenderer Proposal** |
| Trainers/Admin Clarks  | 6 |  |
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Other Initiatives**Local Spend in South Africa**

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| **Target** | **Proposal** |
| 100% |  |

**Objective criteria**Eskom prefers to business with suppliers that are B-BBEE Level 1 to 4. |

**Section 4: SDI&L Penalty and Performance Security**

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| Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations. |
| **One of the following options will apply for SDI&L performance security:*** For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.
* Alternatively the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.
* Panels- Eskom will apply 2.5% retention on every invoice (excluding VAT) after all cumulative task orders awarded to the Contractor/Service Provider that have reached a stipulated threshold as security for the fulfilment of the SDL&I obligations.
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**Section 5: Reporting and Monitoring**

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| * The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
* Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
* Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
* Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award.
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**Section 6: Market Research**

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| The following information demonstrates market analysis and assisted in arriving at the targets above.  |
| Current Suppliers Providing the Services  | Potential Suppliers  |

**Section 7: General Information on Validity of Sworn Affidavits**

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| The following must be considered when it comes to validity of Affidavits; |
| **Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:*** 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.
* 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.
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| Date:14.01.2022 |  |