

	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**

**Supply and delivery of Ash Crusher Spares on an “as and when” required basis for a period thirty six months (36) for Duvha Power Station.**

<b>Tender number/ RFP number</b>	<b>MPDUV10040GX</b>
<b>Issue date</b>	<b>10 December 2021</b>
<b>Closing date and time</b>	<b>15 February 2022 at 10:00am</b>
<b>Tender validity period</b>	<b>180 days from the closing date and time</b>
<b>Clarification meeting</b>	<b>N/A</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>Eskom Tender Box  Ground Floor  No. 10 Smuts Avenue  Witbank/ Emalahleni  Mpumalanga</b>  <b>GPS Co-ordinates</b>  <b>Latitude: 25.87723s</b>  <b>Longitude: 29.21629E</b>

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		MPDUV10040GX				

## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the collect, strip, assess and refurbish fans on an “as and when” required basis for a period of thirty six (36) months for Duvha Power Station The enquiry documents are supplied to you on the following basis:

- Free of charge

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

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

Yours faithfully




---

Mandla Mkhonza

Procurement Manager

Date: 2021/12/13

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## Contents of Invitation to Tender/Enquiry documents

### 1. Invitation to tender

1.1 Standard Conditions of Tender (refer to [www.eskom.co.za](http://www.eskom.co.za) for this document that suppliers are required to download and read)

1.2 Tender Data

1.3 Commercial Tender returnables

### 2. Evaluation process and criteria

2.1 Basic Compliance

2.2 Pre-qualification criteria

Pre-qualification criteria: B-BBEE Level 1-4

Mandatory Returnable for B-BBEE Requirement:

- 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
- Valid copy of B-BBEE Certificate issued by CIPC for EMEs' only.

### KEY NOTES OF DETERMINING VALIDITY OF B-BBEE SWORN 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)

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h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.

i) 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)

j) 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

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.

2.3 Functionality (See Attached Technical Evaluation)

2.4 Price and preference scoring

2.5 Scoring and Ranking

3. Condition of contract (see contract conditions attached)

4. Scope of work/Works Information/Employers Requirements (see Contract and applicable bond/guarantees attached )

5. Pricing data (See contract attached)

6. Annexures

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Y
6.4	CPA Requirements for Local (South African)	Annexure D	Y
6.6	*Addenda acknowledgement form	Annexure H	Y
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure I	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure J	Y

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Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Neo Mashishi</b>  E-mail: <b>mashismn@eskom.co.za</b></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 <b>ineligible</b> to submit a <b>tender</b> if</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>• [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>• 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/RFP] process, if : <ul style="list-style-type: none"> <li>○ (a)they have a controlling partner/majority shareholder in common; or</li> <li>○ (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;</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> </ul>

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	<ul style="list-style-type: none"> <li>Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>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)</li> <li>Any tenderer that is restricted by National Treasury</li> <li>A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
1.3 Enquiry documents	<p>The Invitation to tender <b>MPDUV10040GX</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> <li>An open Invitation to tender</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>tender</b> submission is :</p> <p>Date <b>15 February 2022</b></p> <p>Time <b>10:00 am</b></p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE Ground Floor</b>  <b>NO. 10 Smuts Avenue</b>  <b>Witbank/ Emalahleni</b>  <b>Mpumalanga</b></p> <p><b>GPS Co-ordinates</b>  <b>Latitude: 25.87723S</b>  <b>Longitude: 29.21629E</b></p>
3.10 Mandatory tender returnables	<p>See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award.</p> <p>The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines. However, where required for scoring purposes only; they will be scored zero; but not disqualified. Where certain documents may be required as evidence</p>

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	of compliance to Pre-qualification criteria; and these are not provided by stipulated deadlines; then the tenders will be disqualified.
2.9 Copy of original tender	The tenderer shall submit an original tender, plus <b>1 complete</b> hard copy of the original tender at tender submission deadline. Where a Tenderer does not submit 1 complete hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is <b>180 days</b>
2.16 Site/clarification meetings	Clarifications can be emailed to the buyer: email: <b>mashismn@eskom.co.za</b>
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 <b>5</b> working days before the deadline for tender submission.
2.25 Conditions of contract	The conditions of contract will be the NEC3 Supply Contract (SC3)
2.23 Alternative tenders	Alternative tenders are <b>not allowed</b>
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached, must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline
3.5 Prices to be read out	Prices will not be read out
3.9 Basic Compliance	Basic compliance for this invitation to tender are: <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) complete hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....) NB NB NB!!!</li> </ul>
3.10 Mandatory tender returnables	Mandatory tender returnables required for scoring are listed hereunder.  <b>Tenderers who do not submit mandatory tender returnables as at stipulated deadlines will be disqualified.</b>

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3.11 Pre-qualification criteria	<p>Pre-qualification criteria are applicable The following mandatory pre-qualification criteria are applicable herein:-</p> <ol style="list-style-type: none"> <li>1. stipulated minimum B-BBEE status level 1 - 4</li> </ol> <p><b>Where B-BBEE levels, EME/ QSE status or sub-contracting to designated groups is used as pre-qualification criteria; then tenderers are required to provide relevant proof of same (signed sub-contracting intent agreement, affidavits , CSD report, copy of B-BBEE certificate at tender submission deadline); failing which the tenders will be deemed unacceptable and disqualified.</b></p>
3.12 Designated materials and thresholds	Designated material thresholds <b>Not applicable</b>
3.13 Functional requirements	Functional requirements: Technical suitable only if total score is equal to or greater than 75%. Should no supplier meet the minimum threshold of 75%, eskom reserves the right to consider and negotiate with suppliers that obtained scores from 60% to 74%
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <p>exclusive of VAT Making the specified correction for arithmetical errors Excluding contingencies in any bill of quantities or activity schedule. Making an adjustment based on the application of the quantitative information entered by tenderers in the Contract Data provided by the Contractor to provisional amounts assessed by Eskom's Representative. A model tender assessment schedule suitable for use with Options A of the NEC3 Supply Contract may be included in the tender returnables for this purpose. Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted. Making a comparison of the Nett Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk. Unconditional discounts must be taken into account for evaluation purposes; Conditional discounts must not be taken into account for evaluation</p>

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	purposes but should be implemented when payment is affected. <ul style="list-style-type: none"> <li>Prices will be scored out of 80 points</li> </ul>
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level the tender will not be disqualified( except if B-BBEE level is a pre-qualification criterion) , but tenderer: <ul style="list-style-type: none"> <li>May only score points out of 80 for price ; and</li> <li>Scores 0 points out of 20 for B-BBEE</li> </ul>
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or 80/20 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system. Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.
3. 19 Objective criteria (if applicable)	<ul style="list-style-type: none"> <li>N/A</li> </ul>

**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.**

**“Eskom reserves the right to award to a supplier who may not be the highest scoring/ highest ranked supplier, in line with Section (2)(1)(f) of the PPPFA.”**

**Eskom may only cancel a tender for the second time with the prior approval of the relevant treasury. Eskom must make representation to the relevant treasury stating reasons for cancellation for the second time. This cancellation(for the second time), however does not refer to price quotations in terms of threshold for procurement but tenders that have been advertised for open competitive tendering process.**

**The decision to cancel a tender invitation will be published in the same manner in which the original tender invitation was advertised**

**Prequalification may be used in identified tenders to advance designated groups on the basis of B-BBEE Status Level of contributor, EME or QSE or on the basis of subcontracting with EMEs or QSEs which are 51% owned by either of the following: Blacks; Black Youth; Black**

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**Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.**

**If feasible to sub-contract for a contract above R30M, Eskom must apply sub-contracting to advance certain designated groups.**

**When 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:**

- (i) Black people**
- (ii) Black people who are youth**
- (iii) Black people who are women**
- (iv) Black people with disabilities**
- (v) Black people living in rural or underdeveloped areas or townships**
- (vi) Co-operatives which are 51% owned by Black people**
- (vii) Black people who are military veterans**

**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 primary 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](http://www.csd.gov.za)**

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		MPDUV10040GX				

### 1.3 TENDER RETURNABLES (refer to 2.8 above)

The tenderer must submit the returnables set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will

Documents preceded by \* are required at tender returnable stage (B-BBEE certificate) and although will not result in disqualification, will impact the scoring. A zero will be allocated, if not submitted by tender closing deadline.

Documents preceded by \*\* do not need to be submitted physically to Eskom( either at tender deadline or before contract award, if the tenderer is registered with CSD, has provided a valid registration number as required in **Annexure B** (the tenderer's particulars) and such documents can be verified on CSD.

Please note that foreign suppliers (with no footprint in RSA) are not required to be registered on CSD and therefore they may be required to provide hard copies of relevant documentation.

Reference	Returnables from supplier	Mandatory returnable for evaluation	Mandatory returnable for contract award
<b>Basic Compliance</b>	One (1) complete hard copy of the tender	✓	
<b>Pre-qualification criteria :</b> <ul style="list-style-type: none"> <li>BBBEE Compliance contribution level 1-4</li> </ul>	<b>B-BBEE certificate/ Affidavit. EME and QSE must submit a sworn Affidavit signed by both deponent and commissioner of oath on the same date or Certificate from DTI. Choose whether you are a director, member and owner, select if you books are based on the Financial statements or Managements accounts. For other levels you must submit a certificate that is from SANAS accredited agencies. Suppliers who do not submit the sworn Affidavit will be disqualified</b>	✓ ✓	
<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓

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	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)		✓
	* A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.		✓
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	CPA for local goods/services	✓	
<b>Annexure H</b>	Confirmation of receipt of addenda to enquiry document	✓	
<b>Annexure I</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure J</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
<b>*B-BBEE Certificates</b>	Failure on the part of the supplier to submit a valid current certificate for purposes of evaluation and scoring by the tender closing deadline will not result in disqualification (if otherwise deemed to be responsive and acceptable in all other aspects) but the tenderer will score zero on B-BBEE for purposes of scoring and ranking	✓	
<b>Tax Clearance Certificates</b>	Foreign suppliers (who have answered yes to any of the questions in the relevant section of SBD 1 and who have not provided a CSD or SARS Efiling pin number as per Annexure A, will need to provide a copy of a current valid tax compliance certificate		✓
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of		✓

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

	compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		
<b>Shareholding</b>	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) <u>NB NB!! CK Registration Document</u>		✓
<b>NEC/FIDIC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data.	✓	

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**ANNEXURE A**

**ACKNOWLEDGEMENT FORM Acknowledgement:**

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

\_\_\_\_\_

-----

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

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

Or: Incorrect or incomplete for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cataloguing Acknowledgement:**

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

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

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

Invitation to Tender/Request for Proposal No. [insert tender/RFP number]

\_\_\_\_\_

Name of company/JV: \_\_\_\_\_

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

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
			MPDUV10040GX			

Name of contact person: \_\_\_\_\_

Contact details of contact person:

Tel (landline) \_\_\_\_\_

Cell phone \_\_\_\_\_

e-mail address \_\_\_\_\_

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

## **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)	
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)	

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

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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

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

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

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

<b>Legal Name of Joint Venture Member</b>	<b>Full Name and Capacity of Authorised Signatory</b>	<b>Signature</b>

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

## **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

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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.

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment, and attach proof to this declaration.  
\_\_\_\_\_
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.\_\_\_\_\_

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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

Item	Question	Yes/No	No
1.1	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, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	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?		
1.2.1	Provide details.		
1.3	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		

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:	

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**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.

<b>Signature:</b>	
<b>Designation and capacity in which signing :</b>	
<b>Date:</b>	

(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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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

## **ANNEXURE D**

### **CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

#### **THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS**

*This Section will not be applicable to professional services contract*

#### **1. APPLICATION OF CPA**

Eskom requires tenderers to submit offers that are in full accordance with the Project Sourcing CPA principles as contained below.

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

**Failure to do so may result in the supplier's offer(s) being disqualified.**

##### **b. Additional/Alternative offer:**

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

Additional/Alternative Offers must be clearly indicated as such

### 3. **ESKOM'S PREFERRED INDEX LIST**

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

### 4. **FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE**

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 5. **NUMBER OF FORMULAE & INDICES**

- The Tenderer is Ltd to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.
- The Tenderer is Ltd to a maximum of 10 (ten) CPA formulae, i.e.: a maximum of 5 for the local portion and a maximum of 5 for the foreign portion, per offer/agreement.

### 6. **CPA FIXED PORTION**

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

### 7. **BASE DATE**

- In instances of indices or other references published monthly, the Base Date is to be: *The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month: *The average for the month before the month in which the Enquiry closes*
- In this case, the following shall apply:
  - Where the average is published:

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*

- Where a high, low and mean are published:

*The mean*

- Where other prices than the Cash Settlement or Cash Sellers Price are published:

*The Cash Settlement or Cash Sellers Price*

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

## 8. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**Table 1: Preferred Local Index List** -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> <ul style="list-style-type: none"> <li>• Final Manufactured Goods</li> <li>Or</li> <li>• Intermediate Manufactured Goods OR</li> <li>• SEIFSA Table U Producer Price Index (PPI</li> </ul>
	<b>Zinc</b> SEIFSA, F, zinc			
<b>Lead</b> SEIFSA ,F, lead				

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

				- final manufactured GOODS OR Intermediate Manufactured Goods
--	--	--	--	---

**Table 2: Preferred Foreign Index List**

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline)  National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			

Closing date of tender _____/_____/_____
TENDERER'S SIGNATURE _____

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

## ANNEXURE H



### CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

We confirm that the following communications received from the *Employer* before the submission of this *[tender/proposal]*, amending the tender documents, have been taken into account in the *[tender/proposal]*:

Item	Date Received	Title or Description
1.		
2.		
3.		
4.		
5.		
6.		

*(Attach additional pages if more space is required)*

\_\_\_\_\_  
Name and Designation

\_\_\_\_\_  
Signature

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

## ANNEXURE I

SBD 1

### PART A INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)**

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
-------------	--	---------------	--	---------------	--

DESCRIPTION	
-------------	--

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

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


**SUPPLIER INFORMATION**

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		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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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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 ]
<b>SIGNATURE OF BIDDER</b> .....	<b>DATE</b>		
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b> (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
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

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO 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

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

<p>PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
<p><b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b></p>
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p><b>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.</b></p>

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

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**Annexure J**

**SBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

## 2. DEFINITIONS

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

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	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

**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 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

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

iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
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

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		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
		MPDUV10040GX				

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

[TICK APPLICABLE BOX]

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

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

	<b>Invitation to Tender</b>	<b>Template Identifier</b>	240-114238630	<b>Rev</b>	6	
		<b>Document Identifier</b>	N/A	<b>Rev</b>	N/A	
		<b>Effective Date</b>	01 July 2018			
		<b>Review Date</b>	July 2022			
			MPDUV10040GX			

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