	Request for Proposal (RFP) MWP1237GX-R	Document Identifier	240-114238630	Rev	19
		Effective Date	01 August 2024		
		Review Date	August 2029		

ESKOM HOLDINGS SOC LTD

REQUEST FOR PROPOSAL (RFP)

FOR


The Supply, Storage, Delivery and Off-loading / Transfer of Liquified Natural Gas (LNG) to Ankerlig and Gourikwa Power Stations including Project Management, Design, Supply, Installation, Testing, Commissioning of the complete gas supply logistic solution to transfer and re-gasify the gas from the delivery system to the power stations for a period of ten (10) years.

Tender number	MWP1237GX-R
Issue date	18 October 2024
Closing date and time	28 February 2025 at 10h00
Tender validity period	92 days from the closing date and time
Clarification meeting	A non-compulsory clarification meeting will be applicable for this tender
Tenders are to be delivered to the following address by the stipulated closing date and time	Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill

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Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the “ *The Supply, Storage, Delivery and Off-loading / Transfer of Liquefied Natural Gas (LNG) to Ankerlig and Gourikwa Power Stations including Project Management, Design, Supply, Installation, Testing, Commissioning of the complete gas supply logistic solution to transfer and re-gasify the gas from the delivery system to the power stations for a period of ten (10) years*”.


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

1. Free of charge

Eskom has delegated the management of this enquiry to the Eskom Representative whose name and contact details are set out in the Tender Data. The submission of a tender by you in response to this enquiry **MWP1237GX-R** will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at www.eskom.co.za.

All queries and clarifications relating to the enquiry documents must be addressed in writing to the Eskom Representative. No query or clarification may be addressed to any Eskom official other than the Eskom Representative.

Yours faithfully



Procurement Manager/Commodity manager


(Full name and Designation)

Date: 18 October 2024

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Tender Process:

This tender process (Ankerlig and Gourikwa gas supply logistics solutions) will be executed in two phases i.e., Phase 1 will be this Request for Proposal (RFP) and Phase 2 will be the Request for Quotation (RFQ) – which will be issued after this RFP process.

This RFP will be used to identify acceptable technical solutions as per the stipulated Functionality criteria. **The tenderers are requested to submit two/separate technical solutions i.e., one technical solution for Ankerlig Power Station (Cape Town) and/or another technical solution for Gourikwa Power Station (Mossel bay).**

All tenderers shortlisted from Functionality criteria will be required to make a presentation of their technical offer for any possible clarifications arising from the evaluation. These will be online presentations. The tenderers would thereafter be required to update their technical solution if required and be issued with a Request for Quotation (RFQ) for tendering of their pricing and other commercial and contractual terms.

1.1 Annexures to the Tender


The documents listed in this table are attached to this enquiry.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y (applicable)
1.1.2	*Acknowledgement form	Annexure B	Y (applicable)
1.1.3	*Tenderer's particulars	Annexure C	Y (applicable)
1.1.4	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure D	Y (applicable)
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y Applicable for RFQ
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	Y Applicable for RFQ

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1.1.7	<p>SBD 6.2 Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures F1 to F4 as evidence of compliance with this requirement).</p> <p>Annexure C Local Content Declaration-Summary Schedule</p> <p>Annexure D Imported Content Declaration – Supporting Schedule to Annexure C</p> <p>Annexure E Local Content Declaration-Supporting Schedule to Annexure C</p>	<p>Annexure G1</p> <p>Annexure G2</p> <p>Annexure G3</p> <p>Annexure G4</p>	Y Not applicable
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y (applicable)
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Applicable for RFQ
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y (applicable)
1.1.11	Scope of Work	In this document under additional information	Y (applicable)
1.1.12	Form of contract (Bespoke)	N Applicable for RFQ	
1.1.13	National Industrial Participation Program (NIPP)	Y NIPP terms are for your information only and will be submitted at RFQ, please refer to NIPP requirements stated below this table.	
1.1.14	Standard Conditions of Tendering	Annexure K	Y (applicable)
1.1.15	<p>Quality Requirements:</p> <ul style="list-style-type: none"> 240-68099512 Form A 2020 Cat-1 Rev 9 	<p>Annexure L1</p> <p>Annexure L2</p>	Y (applicable)

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	<ul style="list-style-type: none"> 240-105658000 Supplier Quality Management Specification (3) 240-109253698 CQP Template Rev 3 240-12248652 Category1- List of Tender Returnables Documents Rev 7 	Annexure L3 Annexure L4	
1.1.16	SHE Requirements: <ul style="list-style-type: none"> OHS Specification document (240 - 155704525) SHE Evaluation criteria (240 - 167094369) Environmental Specification (240 - 158699799) 	Annexure M1 Annexure M2 Annexure M3	Y (applicable)

National Industrial Participation (NIP) Programme

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, will be applicable for this transaction. The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$5 million or other currency equivalent to US\$5 million will have a NIP obligation. NIP is obligatory and therefore will be complied with on this contract.

To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers. A period of seven years has been identified as the time frame within which to discharge the obligation. In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of US\$5 (5 million US Dollars); submit details of such a contract to the DTI for reporting purposes.


Bid submission and contract reporting requirements of bidders and successful bidders (contractors):

- Bidders will be required to sign and submit the Standard Bidding Document (SBD 5) together with the bid (RFQ) on the closing date and time of the tender. **Please note this will be applicable at RFQ stage and implemented at contracting stage.**

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1.2. Tender Data


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 are not attached to the enquiry, then 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:</p> <p>Name: Joyce Matlala</p> <p>Tel: 011 651 6802</p> <p>E-mail: MatlalJN@eskom.co.za</p>
1.3 Enquiry documents	<p>The RFP number is: (MWP1237GX-R)</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of enquiry	<p>This enquiry is: An open invitation to tender.</p> <p>This tender (MWP1237GX-R) is phase one and serves only as a process to shortlist the acceptable tenderers to qualify for the RFQ.</p> <p>The second phase will be the issuing of an RFQ to shortlisted tenderers as identified in phase one (RFP), with the purpose of receiving a price and commercial proposal associated with the technical solution proposed in phase one.</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tenderers shall respond to the whole part of the scope of work (i.e complete logistical solution). The tender may choose to respond to one or both sites i.e Ankerlig and Gourikwa respectively.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its</p>

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principals, must not be under any restriction to do business with Eskom or State-Owned Companies.


Tenderers are ineligible to submit a tender if:

1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found 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.
2. Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.
3. Tenders submitted by a joint venture 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.
4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:
 - (a) they have a controlling partner or 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 of another tenderer, or to influence the decisions of the Employer regarding this bidding process;
5. Tenders signed by non- authorised persons.
6. Any tenderer that is restricted by National Treasury.
7. Any tenderer on the Tender Defaulters list.
8. A tenderer that sub-contracts 100% of the Scope of Work.

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	Eskom will disqualify tenderers that are found not to have met the eligibility criteria.
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is:</p> <p>Date : 28 February 2025</p> <p>Time :10h00</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE</p> <p>Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill</p>
2.9 Submitting a tender -Original tender and copy	<p>1. The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline (28 February 2025 @ 10h00). If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified; and</p> <p>2. One (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>NB: None submission of an electronic format will not result in disqualification; however it is urged that tenderers also submit this.</p>
2.12 Tender Validity Period	<p>The tender validity period is 92 days.</p> <p>Please note: Eskom may extend the validity period for a specified additional period if required.</p>

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2.15 Site visit and/or clarification meeting	<p>Noncompulsory clarification meetings will be applicable and held on different dates as follows:</p> <p><u>Meeting 1: Microsoft Teams Meeting</u></p> <p>Date: 18 November 2024</p> <p>Time: 10h00</p> <p>Venue: Microsoft Teams</p> <p><u>Please use link to join meeting:</u></p> <p><u>Join the meeting now</u></p> <p>Meeting ID: 327 057 853 958</p> <p>Passcode: V8oToA</p> <p><u>Dial in by phone</u></p> <p>+27 21 834 0825, 25818987# South Africa, Cape Town</p> <p>Find a local number</p> <p>Phone conference ID: 258 189 87#</p> <p><u>Meeting 2: Site Meeting (Ankerlig Power Station)</u></p> <p>Date: 20 November 2024</p> <p>Time: 11h00</p> <p>Venue: Ankerlig Power Station (Cape Town)</p> <p><u>Meeting 3: Site Meeting (Gourikwa Power Station)</u></p> <p>Date: 21 November 2024</p> <p>Time: 12h00</p> <p>Venue: Gourikwa Power Station (Mossel bay)</p>
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	<p>Please note for site meetings at Ankerlig and Gourikwa power station:</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission.
2.22 Alternative tenders	<p>Alternative tenders are allowed.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ol style="list-style-type: none"> 1. Different technical logistical solutions <p>NOTE:</p> <p>An alternative tenderer will only be allowed if the main tender that meets the basic requirements of the enquiry was submitted.</p> <p>If a main tender was submitted, then the alternative tender will also be evaluated against the criteria set in the enquiry.</p>
2.32 Cataloguing	Not applicable
2.33 Provision of Security for Performance	Not Applicable
3.4 Tender Opening	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on: 28 February 2025</p> <p>Place: Eskom Megawatt Park Tender Office</p> <p style="text-align: center;">Northside (Retail Centre)</p> <p style="text-align: center;">Maxwell Drive</p> <p style="text-align: center;">Sunninghill</p> <p>Time: 10h00</p>

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3.5 Prices to be read out or not	Not Applicable										
3.9 Basic Compliance	<p>Basic compliance with this enquiry requires a tenderer to meet all the following requirements:</p> <ol style="list-style-type: none"> 1. Meet the eligibility criteria; 2. Submit a complete original tender with commercial, and technical information stipulated; 3. Submit the original tender in paper form, plus an identical copy of the original, also in paper form; and 4. Submit the mandatory commercial tender returnables at the stipulated deadlines. <p>NB: Please submit all the mandatory tender returnables as at stipulated deadline i.e. 28 February 2025 at 10h00. Failure to submit will result in disqualification.</p>										
3.10 Mandatory tender returnables	<p>A tenderer that DOES NOT SUBMIT MANDATORY DOCUMENTS/INFORMATION required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of this Invitation to Tender ; WILL BE DEEMED NON-RESPONSIVE.</p>										
3.12 Functionality requirements	<p>Functionality requirements are <i>applicable</i></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table> <tr> <th>Criteria</th><th>Weight</th></tr> <tr> <td>Engineering</td><td>75%</td></tr> <tr> <td>Planning</td><td>25%</td></tr> <tr> <td>Total</td><td>100%</td></tr> <tr> <td>Overall minimum threshold for functionality to proceed to the next phase</td><td>70%</td></tr> </table>	Criteria	Weight	Engineering	75%	Planning	25%	Total	100%	Overall minimum threshold for functionality to proceed to the next phase	70%
Criteria	Weight										
Engineering	75%										
Planning	25%										
Total	100%										
Overall minimum threshold for functionality to proceed to the next phase	70%										

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	<p>Tenderers who do not meet the threshold for functionality scoring will be disqualified from the process and not be evaluated further including participating in the RFQ.</p> <p>NOTE:</p> <p>The tenderers will be required to submit their tenders with the technical solution for evaluations and thereafter be required to make a presentation of their offer for any possible clarifications arising from the evaluation. These will be online presentations. The tenderers would thereafter be required to update their technical solution if required and respond to an RFQ that will be send to only shortlisted tenderers.</p>
3.14 Evaluation of Price	Applicable for RFQ
3.16 Evaluation of Specific Goals	Applicable for RFQ
3.17 Ranking of tenders	Applicable for RFQ
3.18 Objective Criteria (if applicable)	Objective criteria are not applicable .
3.19 Reverse e-auction (if applicable)	Reverse e-auction is not applicable
Contractual Requirements	<p><u>Mandatory Contractual Requirements that must be included in all tenders is the following:-</u></p> <ul style="list-style-type: none"> • Proof of CSD registration <p><u>Additional Contractual Requirements:</u></p> <ul style="list-style-type: none"> • SHEQ requirements <p>Financial viability (submission of financial statements)</p> <p>Contractual Requirements are not evaluation criteria.</p> <p>Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award.</p> <p>For this RFP :</p>

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	a) The SHEQ requirements will be evaluated at RFP phase and all elements not met at this phase will be addressed at the RFQ phase to ensure compliance prior contract award. b) Financial viability: The financial statements will be requested and assessed at RFQ stage.
3.22 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the Gas Sale Agreement (GSA)/ Supply Purchase Agreement (SPA)
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are <i>not applicable for the RFP</i>

Please note:

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:

- ✓ For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.
- ✓ For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations should the tendered prices not be 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 its 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 at the stipulated deadline.

NOTE THE FOLLOWING: -

*** Returnables required at Tender closing (disqualifiable): -**

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

**** Returnable required at Tender closing (non-disqualifiable): -**

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.


Returnables required at Tender Closing date and time for evaluation: -

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	Original tender plus one copy, both in paper form	√		
Annexure A	Authorisation Form		√	
Annexure B	Acknowledgement Form		√	
Annexure C	Tenderers Particulars		√	
Annexure D	Integrity Pact Declaration form		√	
Annexure E	CPA for local goods/services (if applicable)	Applicable for RFQ		
Annexure F	CPA(IG) for imported goods/services (if applicable)	Applicable for RFQ		
Annexure H (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			√
Annexure J	SBD 4 – Bidders Disclosure		√	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual			√ Applicable for RFQ

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	JV partners, as set out in the joint venture agreement.			
# Specific Goals	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.	Applicable for RFQ		
Tax Clearance Certificates	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.			v Applicable for RFQ
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		v	
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)			v
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents)	Applicable and forms part of the information requested for Technical/ Functionality under additional information	v		

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(if applicable to scope of work)				
MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE				
Mandatory Contractual Requirement	Proof of valid and current CSD Registration (CSD number/CSD Report)			√
ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE				
Safety Health and Environment (SHE)	Refer to Annexure M COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		√	
Quality	Refer to Annexure L and any documents that may be required per scope of work		√	
Other safety/quality documents as required per scope of works	Refer to Annexure L and M		√	
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA				
Functionality/Technical <i>required for evaluation /scoring]</i>	Refer to Technical /Functionality requirements additional information in this document	√		
OTHER/ADDITIONAL DOCUMENTS REQUIRED FOR EVALUATION				
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	Proof of B-BBEE status level of contributor” for main contractor, sub-contractor and JV partner (if applicable)		√	

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(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; (as may be applicable for the particular tendering entity)				
Sub-contractor	Signed letter of intent to Sub-contract and profile of the subcontractor		√	
Joint Venture	Letter of intent to form a JV/consortium and Profile of the JV partner		√	

ADDITIONAL INFORMATION:

TECHNICAL / FUNCTIONALITY REQUIREMENTS:

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Technical Specification/Requirements:

Scope of Work

1. The scope of work entails the Project Management, Design, Supply, Installation, Testing, Commissioning of the complete gas supply logistic solution to transfer and re-gasify the gas from the delivery system to the power stations for a period of ten (10) years.
2. The natural gas supply will be continuously metered, and composition analysed prior to transferring to Eskom. This would need to be negotiated with the successful contractor.
3. **Table 1** provides the gas constituents/specification limits that need to be supplied at the delivery point:

Table 1: Required Natural Gas Constituents/Specification Limits

Gas constituents	Unit	Value
CH ₄	Vol. %	≥ 80
C ₂ H ₂	Vol. %	≤ 0.1
C ₂ H ₆	Vol. %	≤ 15
C _n H _m	Vol. %	≤ 10 sum of C _n H _m with n ≥ 2, excluding C ₂ H ₆ cf. condensation point
H ₂	Vol. %	≤ 1
CO	Vol. %	normally not a constituent of natural gas
H ₂ O	Vol. %	cf. condensation point
N ₂ + Ar + CO ₂	Vol. %	≤ 20
O ₂	Vol. %	≤ 0.1

4. **Table 2** provides the maximum gas contaminants for the supplied natural gas at the delivery point:

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Table 2: Natural Gas Contaminants Limits

Contaminants	Unit	Value
Dust:		≤ 20
d < 2 µm	ppm(wt)	≤ 18.5
2 < d < 10 µm		≤ 1.5
Na + K	ppm(wt)	≤ 0.5
Ca	ppm(wt)	≤ 10.0
V	ppm(wt)	≤ 0.5
Pb	ppm(wt)	≤ 1.0
H ₂ S	ppm(v)	≤ 10
Total sulphur	ppm(wt)	≤ 20

5. **Table 3** indicates the natural gas properties/requirements to be supplied at the delivery point.


Table 3: Natural Gas Properties/Requirements

Properties, Condition	Condition(s)	Limits
Pressure		
Design value		35-70 barg
Tolerance	- at 0 – 15 % of the max. fuel flow	±5.0 % of design value
	- at 15 – 100 % of the max. fuel flow	±2.5 % of design value
Change rate		dp/dt ≤ 0.2 bar/s
Temperature		
Permissible range	LHV, min. 40.0 MJ/kg	5 °C to 120 °C
	LHV, max. 50.0 MJ/kg	

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Condensation point		min. 10 K above dew point of the gas mixture
		min. 15 K above the dew point of water
Tolerance		±10 K from startup and/or design value
Change rate		$dT/dt \leq 1 \text{ K/s}$
Lower heating value (LHV)		
Design range	0 % – 100 % output	LHV, min. 40.0 MJ/kg LHV, max. 50.0 MJ/kg (100 % methane)
Design value		To be selected in the design range
Tolerance		±5.0 % of design value
Change rate		$d \text{ LHV}/dt \leq 0.1 \text{ \%}/s$
Lower Wobbe Index (WI)		
Permissible range	5 °C to 120 °C for	$WI_{u,min} 40.3 \text{ MJ/m}^3_{STP}$ $WI_{u,max} 51.0 \text{ MJ/m}^3_{STP}$
Design value		To be selected in the design range
Tolerance		±5 % of design value
Change rate		$d \text{ WI}/dt \leq 0.1 \text{ \%}/s$

Legend:

T	=	Temperature
LHV	=	Lower heating value
WI	=	Lower Wobbe index
t	=	Time
p	=	Pressure

6. **Table 4** and **Table 5** provides the estimated gas quantities required for Ankerlig and Gourikwa Power Stations.

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Table 4: Ankerlig and Gourikwa Power Station Estimated Gas Quantities

Description	Units	Ankerlig Power Station	Gourikwa Power Station
No. of Units		9	5
Maximum Hourly Quantity	TJ/hr	14.1	7.84
Maximum Hours per Day	Hours	24	24
Maximum Daily Quantity	TJ/day	338.48	188.04

Table 5: Ankerlig and Gourikwa Power Stations Load Factor Gas Quantities

Ankerlig Power Station							
Load Factor		1%	2%	3%	4%	5%	6%
Weekly hours of operation	Hours	15.1	30.2	45.4	60.5	75.6	90.7
Gas supply per week	TJ/week	23.7	47.4	71.1	94.8	118.5	142.2
Annual Quantity	PJ/year	1.2	2.5	3.7	5.0	6.2	7.4
Gourikwa Power Station							
Load Factor		1%	2%	3%	4%	5%	6%
Weekly hours of operation	Hours	8.4	16.8	25.2	33.6	42.0	50.4
Gas supply per week	TJ/week	13.2	26.3	39.5	52.7	65.8	79.0
Annual Quantity	PJ/year	0.7	1.4	2.1	2.8	3.4	4.1

7. The natural gas supply must be for an annual load factor of 6% for a contract period of ten (10) years.
8. Due to the peaking operating regime of Ankerlig and Gourikwa Power Stations, anything from a single unit to all units of the power station could be utilised in a week. In the 2020 and 2021 financial years, the annual load factor of 80th percentile for Ankerlig and Gourikwa Power Stations was 10-15% and 20-25%, respectively. This can be seen in **Error! Reference source not found.** and 2 which illustrates the weekly load factors in a percentile format for Ankerlig and Gourikwa Power Station respectively.

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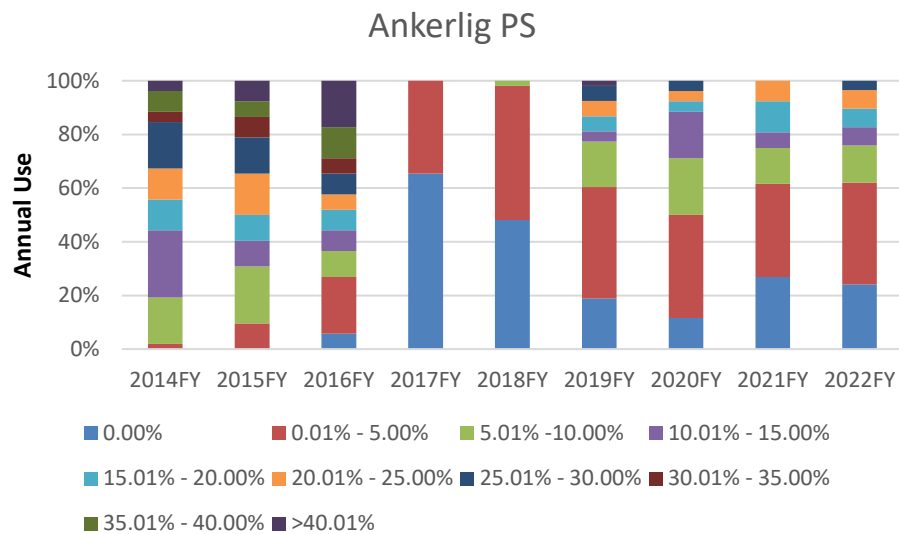


Figure 1: Ankerlig Power Station Weekly Load Factors per Financial Year

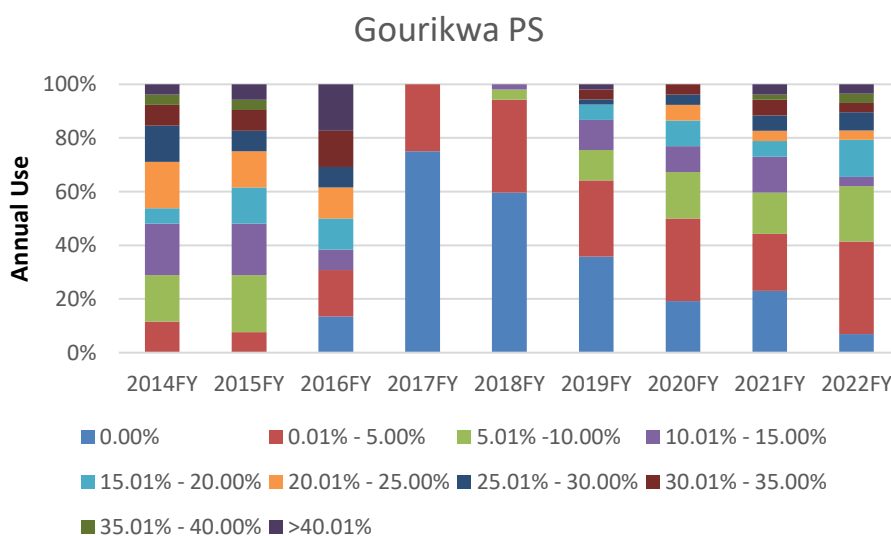



Figure 2: Gourikwa Power Station Weekly Load Factors per Financial Year

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9. Due consideration to be given on the plant operating regime when sizing the gas storage, transport infrastructure and logistical solution.
10. The delivery point for Ankerlig and Gourikwa Power Stations is the site boundary fence as illustrated in the site layout picture in Figure 3 and Figure 4 respectively.



Figure 3: Ankerlig Power Station Layout (Google Earth)

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Figure 4: Gourikwa Power Station Layout (Google Earth)


Tender Returnables (applicable for both Mandatory and Qualitative criteria)

- a) The Tenderer confirms if the solution is for Ankerlig Power Station or Gourikwa Power Station or for both.
- b) The Tenderer confirms if the solution is for a supply of 10 years.
- c) The Tenderer must provide at least three (3) references that encompasses similar activities to this tender within the last ten (10) years. The references should be for supplying turnkey LNG supply solutions of similar or greater volumes and logistics for contract durations of at least 10 years up to the site fence.
- d) The Tenderer to provide technical documentation/information on the Engineering Studies performed for this tender on the logistical supply of LNG to the delivery point. The Engineering Studies technical documentation/information must include the following:
 - Process Description
 - Operating Description
 - System Description
 - Technical risk assessment
 - Terminal point register

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- Process Flow Diagram/Process Instrumentation Diagram
 - Layout drawings
 - Hazardous and Operation assessment
- e) The Tenderer must provide a detailed overview of his LNG supply strategy. A sample LNG composition/specification for each potential source which is to be provided and should meet or exceed that which is stipulated in the technical specification. Reference should be provided on the gas analysis standards used for the analysis. However, prior to the inception of the gas sales agreement a laboratory accredited gas specification/composition must be made available from source/s.
- f) The Tenderer must list the gas contaminants and composition ranges to be provided meeting the technical specification.
- g) The Tenderer to provide the international standards that will be used to for both random and continuous gas analysis.
- h) The Tenderer to indicate on a drawing the position of the delivery point at the Ankerlig and Gourikwa site boundary.
- i) For each of the annual load factors at both Ankerlig and Gourikwa Power Stations, the Tenderer is to provide the following information:
- Logistical solution for the LNG supply (agile and less susceptible to LNG supply interruptions)
 - Overview of ability to meet up to 6% annual load factor per station.
 - Indicate flexibility in hours of supply and consumption and ability to meet weekly maximum load factor of 10-15% for Ankerlig and 20-25% for Gourikwa.
 - Indicate operating flexibility in running minimum to maximum amount of gas turbines simultaneously.
 - Indicate dispatch limitations, if any, in terms of usage pre-notification requirements, system warmups etc.
- j) The Tenderer to indicate the natural gas process condition of supply temperature and pressure at the delivery point and include fluctuation limits considering different unit operating regimes.
- k) The Tenderer to indicate what indexing method will be used for the gas price. Reference is made to the NERSA paper on “Methodology to Approve Maximum Prices of Piped-Gas in South Africa”.
- l) The Tenderer to list the permits e.g., EIA, etc. that are required together with timelines and a risk register in obtaining these permits.
- m) The Tenderer to submit a Level 3 project schedule with realistic durations that detail all activities from the date of contract award to the delivery of the first gas to Ankerlig and Gourikwa Power Stations.
- n) Tenderer to list risks associated with land acquisition/land leasing if application.

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- o) The Tenderer to list all permits and licence required aligned to the logistical solution proposed.
- p) Timelines for permit and licence application processes to be defined complete with the associated risks.
- q) The Tenderer to indicate within the schedule the earliest time that LNG can be provided to Ankerlig and Gourikwa Power Stations for commissioning, from the time of contract signature, to meet the required end date. Eskom's current expectation is that the commissioning gas is provided by 09 December 2028 and Commercial Operation July 2029. (Dates are subject to change).
- r) Tenderers must please stipulate if land acquisitions and/or leasing agreements are required for the establishment of the logistical solution. Timelines for these acquisitions and leasing agreements to be stipulated as and when required within the level 3 project schedule.
- s) Completed informational checklist below:

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	Returnable	Provided (Yes/No)	Reference in submission
1.	Confirms if for Ankerlig Power Station or Gourikwa Power Station or for both.		
2.	Confirms if the solution is for a supply of 10 years.		
3.	The Tenderer to provide at least three (3) references that encompasses similar activities to this tender within the last ten (10) years		
4.	Process Description		
5.	Operating Description		
6.	System Description		
7.	Technical risk assessment		
8.	Terminal point register		
9.	Process Flow Diagram/Process Instrumentation Diagram		
10.	Layout drawings		
11.	Hazardous and Operation assessment		
12.	Detailed overview of LNG origin/strategy		
13.	Sample laboratory LNG composition/specification		
14.	LNG composition and contaminant ranges		
15.	Logistical supply solution		
16.	Overview of ability to meet up to 6% annual load factor per station		
17.	Overview of fuel flexibility on an hourly, daily, weekly basis meeting requirement		
18.	Indicate dispatch limitations		
19.	Indicate the LNG process condition of supply temperature and pressure at the		

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	delivery point and include fluctuation limits		
20.	Indicate what indexing method will be used for the gas price		
21.	List the permits e.g., EIA, etc. that are required together with timelines and a risk register in obtaining these permits		
22.	Level 3 project schedule		
23.	Indicate commissioning dates and availability of first gas at Gourikwa and Ankerlig boundary fence.		
24.	List risks associated with land acquisition/land leasing		
25.	Confirm that supply pressures and temperatures to be met at the boundary fence. No storage to be allowed on site		
26.	Re-gasification will be within supplier's scope. Supplier to confirm.		

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Technical Evaluation

The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.

Functionality Criteria	Maximum number of points percentage
Engineering	75%
Planning	25%
Overall minimum threshold for functionality to proceed to the next phase	70%

The evaluation will be two phased as follows:

1. Mandatory Technical Evaluation Criteria

	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1.	Does the Tenderer have experience and is familiar with the sourcing, contracting, shipping and supplying of LNG to customers?	Tenderer to provide at least three (3) references that encompasses these activities within the last 10 years.	Indication that the Tenderer has LNG supply experience
2.	Has the Tenderer provided a detailed 1. Process Description, 2. Operating Description and 3. System description that support the proposal for LNG supply?	Tenderer to provide documentation/information that verifies Engineering Studies were performed.	Indication that the Proposal is based on Engineering studies.


2. Qualitative Technical Evaluation Criteria

	Description	% Scoring
1	Engineering studies (Item 1-5)	20%
2	Gas specification compliance (item 6)	20%
3	Gas volumes (item 7-10)	25%
4	Temperature and Pressure Compliance (item 11)	10%
5	Timelines, permits and licenses (item 12-16)	25%

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The following is a further breakdown of the Qualitative Technical Evaluation criteria:

#	Description	Source	%	0	2	4	5
1.	Technical risk assessment provided that supports the proposal.	Supporting engineering studies, assessments, and documentation	4%	None	Insufficient	Acceptable	High detail
2.	Terminal point register provided that supports the proposal	Supporting engineering studies, assessments, and documentation	4%	None	Insufficient	Acceptable	High detail
3.	Process Flow Diagrams/Process Instrumentation Diagrams provided that supports the proposal	Supporting engineering studies, assessments, and documentation	4%	None	Insufficient	Acceptable	High detail
4.	Layout drawings provided that supports the proposal	Supporting engineering studies, assessments, and documentation	4%	None	Insufficient	Acceptable	High detail
5.	Hazardous and Operation assessment provided that support the proposal	Supporting engineering studies, assessments, and documentation	4%	None	Insufficient	Acceptable	High detail
6.	Has all the LNG constituents and contaminants in the gas specification been met?	Sample LNG specification from source/s	20%	No			Yes
7.	Does the Tenderer's LNG volumes provide for an annual load factor up to 6%	LNG volumes and supporting engineering studies, assessments, and documentation	10%	No			Yes
8.	Is the LNG storage, transport infrastructure and logistical solution able to meet a weekly maximum load factor of 10-15% for Ankerlig and 20-25% for Gourikwa?	LNG volumes and supporting engineering studies, assessments, and documentation	5%	No			Yes
9.	Does the solution provide for running from minimum to	LNG volumes and supporting engineering	5%	No			Yes

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	maximum gas turbine units simultaneously?	studies, assessments, and documentation					
10.	Can the gas turbines be started without any limitations on dispatch times. Usage notification requirements, system warm-ups etc.	LNG volumes and supporting engineering studies, assessments, and documentation	5%	No			Yes
11.	Does the Tenderer's gas supply temperature and pressure at the delivery point meet Eskom's requirement?	Feasibility Design	10%	No			Yes


The following is a further breakdown of the Qualitative Planning Evaluation criteria:

12.	Has the Tenderer listed the permits that is required together with timelines?	Schedule	5%	None			Yes
13.	Are permits and licenses listed aligned to logistical solution proposed with associated timelines and risks identified?	Schedule	5%	None	Not aligned	Partially	Yes
14.	Has land ownership or leasing requirements been defined if / where applicable - based on the logistical solution proposed? Stipulate if land acquisition is not applicable / not required?	Schedule	5%	None	insufficiently defined	Defined but some detail unclear/not realistic	Yes
15.	Has the Tenderer submitted a Level 3 project schedule with realistic durations that detailed all activities from the date of contract award to the delivery of the first gas to Ankerlig and Gourikwa Power Stations?	Schedule	5%	None	Insufficient	Detailed some items not realistic	Yes
16.	What time frames can the schedule be delivered in from contract start date to first gas available on site for (1)	Schedule	5%	None	Insufficient	Minor deviation	Meet

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commissioning per unit and (2) commercial operation?									
--	--	--	--	--	--	--	--	--	--

Prices will be requested for flexible annual load factor of 6% for a period of 10 years to be provided by the suppliers.

Gas Sales Agreement Timeline

Contract Year	1	2	3	4	5	6	7	8	9	10
Financial Year	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037

Table: Supply agreement for 10 years at various contracting options

Load Factor	10 Year
6%	Yes

Supply Options to be considered


The following potential gas contracting strategies will be negotiated:

1. The flexible annual natural gas supply load factor of 6% at Take-and-Pay.
2. The flexible annual natural gas supply load factor will be 6%. (A minimum portion of the annual load factor (6%) to be assigned to Take-or-Pay with the remaining load factor being Take-and-Pay).
3. Alternative options the Tenderer would suggest.

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ANNEXURE A

AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation or joint venture, the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, or power of attorney in the case of a joint venture).

Note further that the authorised representative of the *tenderer* will in addition be required to sign the form at the end in addition to the relevant certificate for category of organisation.

A. Certificate for company


I, _____, in my capacity as _____
of the board of directors of _____
_, hereby confirm that by resolution of the board taken on _____ (date), Mr/Ms _____
_____, acting in his/her capacity of _____
_____, is authorised to submit this tender on behalf of the company, and to sign
all documents in connection with this tender and any contract that may result from it on behalf
of the company. The resolution of the board is annexed to this Form.

Signed:	Date:
Name:	Position:

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B. Certificate for close corporation

I, _____, in my capacity as member of _____, hereby confirm that by majority vote of the members taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. The members' resolution is annexed to this Form.

Signed:	Date:
Name:	Position: (Member)

C. Certificate for partnership


We, the undersigned, being the **key partners** in the business trading as _____ hereby authorise Mr/Ms _____, acting in his/her capacity of _____, to submit this tender on our behalf, and to sign all documents in connection with the tender and any contract that may result from it on our behalf.

Name	Address	Signature	Date

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NOTE: This certificate is required to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _____, an authorised signatory of the company _____, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture.


Furthermore we attach to this Form a copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates the member that will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead partner		

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E. Certificate for sole proprietor

I, _____, hereby confirm that I am the sole proprietor of
the business trading as _____

Signed:	Date:
Name:	Position: (Sole Proprietor)


NOTE: The table hereunder to also be fully completed by all *tenderers* irrespective of the category of organisation selected and completed above.

Name of tenderer:	
Full names of authorised signatory:	
Designation and capacity:	
Signature of authorised signatory	
Date of signature:	

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ANNEXURE B

ACKNOWLEDGEMENT FORM

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 enquiry ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous contract/order number***] ☐
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder: ☐

4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [***delete whichever is not applicable***] in the position

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to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

Invitation to Tender/Request for Proposal No: _____

Name of Tenderer: _____

Country of registration: _____

Full names of contact person: _____

Contact details:


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

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE C

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 or CIPC disclosure certificate (for individual companies and each JV member)	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each JV member) and combined cidb contractor grading designation (for JVs)	
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 in the case of a JV)	


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 or CIPC disclosure certificate	

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VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury_____
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
6. 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 E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

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YES		NO	

7. If sub-contracting is prescribed in the enquiry, tenderers must complete 7.1 to 7.9.

7.1 Confirm if you intend sub-contracting

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

7.2 What percentage will you be sub-contracting? _____%

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

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

7.5 If yes to 8.4, please provide CSD number. _____

7.6 Please confirm B-BBEE level of said sub-contractor _____


7.7 Which designated group does the sub-contractor belong to:-

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

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7.8 Please confirm that you have attached your signed intention to sub-contract document.

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

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


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

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE D

INTEGRITY DECLARATION FORM

Note: This returnable is required to be fully completed, signed and submitted by tenderers at the stipulated deadlines.

1 DECLARATION OF INTEREST

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of “related” set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where:-

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

Related:


(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-

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- (i) are married, or live together in a relationship similar to a marriage; or
- (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;
- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
 - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
 - (ii) either is a subsidiary of the other; or
 - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.


Control:

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
 - (a) in the case of a juristic person that is a company-
 - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act¹; or
 - (ii) that first person together with any related or inter-related person, is-

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(aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

(bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

(b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;

(c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or

(d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

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

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 an employee/consultant/ contractor and/or director of a State/State owned entity.	Full Names & Capacity/Position of Eskom employee/ consultant/contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the specification/ evaluation/ adjudication/ negotiation of tenders?


If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. _____
[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have

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any relationship with each other, directly or through common third parties? _____([Yes/No]

If Yes, attach proof.

2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and 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:

1. abused Eskom's procurement process (e.g. bid rigging/collusion); or
2. committed fraud or any other improper conduct in relation to such procurement process.

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/directors/members/partners/owners listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners 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 Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		

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1.4	Was the tenderer/s or any of its shareholders/directors/members/partners/owners prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners failing to meet their contractual obligation with the State or any State owned entity?		
1.5.1	If “Yes”, provide details		

3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [*Full names and Position*] _____
hereby declare that I am the duly authorised representative of _____ [*Name of Tenderer*].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in
_____ [*Name of Tenderer*]:

Note that the information in the table below must be completed in full for each tenderer including incorporated JVs. If the tenderer is an unincorporated JV, the tables must be completed for each JV member. Please add additional rows if required.


Individuals:

Full Name	Identity Number	Shareholding Percentage

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Other Entities*:

Full Legal / Trading Name	Entity Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the /shareholders/ directors/ trustees/ beneficiaries of the shareholding entity	Identification Numbers of the shareholders/directors/ trustees/beneficiaries of the shareholding entity

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 declaration prove to be false, and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and


I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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Joint Ventures

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 declaration prove to be false; and

I give my consent for this information to be used for the purposes described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and


I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE E

CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions


Eskom Proposed CPA breakdown for Local Goods and Service

Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published as</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1						
A2						
A3						
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

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Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted).
- If there are specific line items for Labour and Transport, individual Formulae might be used.

Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

3. BASE DATE AND BASE PRICE

- 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 intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.


4. CPA FOR PROFESSIONAL SERVICES

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

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- The price adjustment factor will be effective from each contractual anniversary of the contract 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.

Closing date of tender:	
Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Date of signature:	

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ANNEXURE F

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions

Eskom Proposed CPA breakdown for Local Goods and Service


Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published as</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1						
A2						
A3						
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

3. BASE DATE AND BASE PRICE

- 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 intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.


4. 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 contract 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.

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PAYMENT OF FOREIGN COMMITMENTS

PART 1: The application of importation payment requirements to tender submissions.

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

Tenderers:-

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic of South Africa, for example, transport costs will only be paid in Rands.

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

Payment of Eskom's foreign commitment in foreign currency will be made either:

Payment Method 1A:

To a nominated bank account in a foreign country in a foreign currency
(Payment will be made to the party and account nominated by the supplier
In the contract, and not to any other party).

Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods


Documentation to be submitted with payment:

- Commercial invoice (from the foreign supplier)

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Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

Any one of the following documents as per the mode of transportation:-

- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt “goods despatched”.
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa

Service- related payments

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier)

OR

Payment Method 1B:

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)


Please note:

- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:

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- Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.
- Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
- Copy of the latest application to the Reserve Bank to renew the approval.
- Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

Documents to submit with payment:

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation:-

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa

All documents submitted to Eskom should not have any alterations.

The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.


Service-related payments

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:-

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- A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
- A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.

- This approval is only valid for a period of 1 year or as per SARB approval period.

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

OR

Payment Method 2:

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well

As the intended payment date, which will be as per the agreed payment terms.

Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,


Documents to submit with payment:

- Commercial invoice (from the foreign supplier)

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- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation:-

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

OR

Fixed ZAR Option (Payment Method 3)


This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

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From a Commercial perspective, please take note of the following:

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation:-

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the goods to the Republic of South Africa

Documents to submit with payment:


- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency

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Please note: Eskom will require substantiating proof of importation at the time of invoicing.

Where the supplier, previously imported goods into stock for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.

Take note of the following:

Service-related payment:

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1) Secondment

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

Documents to be attached for payment:

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager.


2) Payroll Transfer

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

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PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)


Please note that the tenderer is required to submit proof of the SARB rate/s used.

Date of advertisement of tender:	
Closing date of tender:	
Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Date of signature:	

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ANNEXURE G1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

- 1.1. Dtic makes provision for the promotion of local production and content.
- 1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where:

x is the imported content in Rand


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

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

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The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

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

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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


Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB

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


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

- (a) The facts contained herein are within my own personal knowledge.

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

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____


WITNESS No. 2 _____

DATE: _____

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Annexure G2- _Local content Declaration-Summary Schedule (annex C)



Adobe Acrobat
Document

Annexure G3 - _Imports Declaration-Supporting schedule to Annex C (annex D)



Adobe Acrobat
Document

Annexure G4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)




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ANNEXURE H

SBD 1


PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ESKOM					
BID NUMBER:	MWP 1237GX-R	CLOSING DATE: 28 February 2025		CLOSING TIME:	10H00
DESCRIPTION	The Supply, Storage, Delivery and Off-loading / Transfer of Liquefied Natural Gas (LNG) to Ankerlig and Gourikwa Power Stations including Project Management, Design, Supply, Installation, Testing, Commissioning of the complete gas supply logistic solution to transfer and re-gasify the gas from the delivery system to the power stations for a period of ten (10) years.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT					
Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Joyce Matlala		CONTACT PERSON	Joyce Matlala	
TELEPHONE NUMBER	011 651 6802		TELEPHONE NUMBER	011 651 6802	
FACSIMILE NUMBER	086 659 9588		FACSIMILE NUMBER	086 659 9588	
E-MAIL ADDRESS	MatlalJN@eskom.co.za		E-MAIL ADDRESS	MatlalJN@eskom.co.za	
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					

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SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?			<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

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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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)


DATE:

.....

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ANNEXURE I

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.


1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

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1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.


2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender


4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals

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stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.


Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

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DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]


4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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- (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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:


.....

.....

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ANNEXURE J

SBD 4

TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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 tender process.

2. TENDERER'S DECLARATION

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

Full Name	Identity Number	Name of State Institution

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2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

[YES/NO]

If so, furnish particulars:

.....
.....

2.3 Does the tenderer 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]

If so, furnish particulars:

.....
.....


3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.

Controlled Disclosure
Anonymously report fraud, corruption at 0800 11 2722/ forensic@eskom.co.za

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	Request for Proposal (RFP) MWP1237GX-R	Document Identifier	240-114238630	Rev	19
		Effective Date	01 August 2024		
		Review Date	August 2029		

- 3.4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.
- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER 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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