	<b>Invitation to Tender/ Request for Proposal (RFP)</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	16
		<b>Effective Date</b>	February 2023		
		<b>Review Date</b>	February 2028		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

#### FOR

**Provision for Installation of HVAC CEP VSD Room Modification on unit 1 to unit 6 for a period of one (01) year at Kusile Power Station.**

<b>Tender number/ RFP number</b>	<b>MPKUS11285GX</b>
<b>Issue date</b>	<b>29 August 2024</b>
<b>Closing date and time</b>	<b>02 October 2024</b>
<b>Tender validity period</b>	<b>180 days from the closing date and time</b>
<b>Clarification meeting</b>	<b>Compulsory site clarification meeting</b> <b>Date: 17 September 2024</b> <b>Time: 10h00 am</b> <b>Venue: Kusile Power Station Mahlasedi boardroom</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>THE PLACE FOR DELIVERY OF THE TENDER IS THE 24 HOUR ESKOM HOLDINGS SOC LIMITED'S TENDER BOX LOCATED AT:</b>  <b>TENDER ADVICE CENTRE TENDER BOX, GROUND FLOOR</b> <b>NO. 10 SMUTS AVENUE</b> <b>WITBANK / EMALAHLENI</b> <b>MPUMALANGA</b> <b>GPS Co-ordinates:</b> <b>Latitude: 25.87723S</b> <b>Longitude: 29.21629E</b> <a href="https://www.google.com/maps/search/-25.87367+29.21745/data=!4m4!2m3!3m1!2s-25.87367+29.21745!4b1">https://www.google.com/maps/search/-25.87367+29.21745/data=!4m4!2m3!3m1!2s-25.87367+29.21745!4b1</a>  <b>Please note that Tender box for this Tender Submission is not located at Kusile Power Station or any other Eskom premises except the one mentioned above.</b>

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## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the provision for Installation of HVAC CEP VSD Room Modification on unit 1 to unit 6 for a period of one (01) year at Kusile Power Station.

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

1. Free of charge

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

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

Yours faithfully



Procurement Manager


Nonhlanhla Mthembu

Date: 29 Aug 2024

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1.1 The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded & attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	*CPA Requirements for Local Goods /Services	Annexure D	N/A
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).  Annexure C-Local Content Declaration-Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Y
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.	<b>Attached</b>	Y
1.1.11	Reverse e-auction training acknowledgement form (if applicable)		N/A
1.1.12	Reverse e-auction process (if applicable)		N/A
1.1.13	Contract Skills Development Goals (CSDG)		N/A
1.1.14	Contract Participation Goals (CPG)		N/A

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](http://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	The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b> The Eskom <i>Representative</i> is: Name: <b>Nthabiseng Tshabalala</b> Tel: <b>013 699 7376</b> E-mail: <a href="mailto:Tshabani@eskom.co.za">Tshabani@eskom.co.za</a>																							
1.3 Enquiry documents	<p>The Invitation to tender number is : <b><u>MPKUS11285GX</u></b></p> <p>All Relevant documentation for this tender will be uploaded onto:</p> <ul style="list-style-type: none"><li>○ Eskom Tender Bulletin</li><li>○ National Treasury E-Tender Portal</li><li>○ CIDB portal</li></ul> <p>It is the responsibility of the tendering party to ensure all the required documentation is downloaded &amp; completed &amp; submitted as follows:</p> <table><tr><th>SECTION</th><th>ORIGINAL</th><th>COPY</th></tr><tr><td><b>SECTION 1</b> – comprises of the Commercial and SDL&amp;I Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b>SECTION 2</b> – comprises of the Technical Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b>SECTION 3</b> – comprises of the Safety Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b>SECTION 4</b> - comprises of the Quality Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b>SECTION 5</b> – comprises of the Environmental Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b>SECTION 6</b> – comprises of the Financial Requirements</td><td>✓</td><td>✓</td></tr></table> <p>See the content list above for the enquiry documents.</p>			SECTION	ORIGINAL	COPY	<b>SECTION 1</b> – comprises of the Commercial and SDL&I Requirements	✓	✓	<b>SECTION 2</b> – comprises of the Technical Requirements	✓	✓	<b>SECTION 3</b> – comprises of the Safety Requirements	✓	✓	<b>SECTION 4</b> - comprises of the Quality Requirements	✓	✓	<b>SECTION 5</b> – comprises of the Environmental Requirements	✓	✓	<b>SECTION 6</b> – comprises of the Financial Requirements	✓	✓
SECTION	ORIGINAL	COPY																						
<b>SECTION 1</b> – comprises of the Commercial and SDL&I Requirements	✓	✓																						
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<b>SECTION 3</b> – comprises of the Safety Requirements	✓	✓																						
<b>SECTION 4</b> - comprises of the Quality Requirements	✓	✓																						
<b>SECTION 5</b> – comprises of the Environmental Requirements	✓	✓																						
<b>SECTION 6</b> – comprises of the Financial Requirements	✓	✓																						
1.4 Type of Invitation to Tender/RFP	This invitation to tender is: 1. An open Invitation to tender																							
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract. Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed market-related.																							
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is																							

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	<p>not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if</p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li> <li>3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if : <ol style="list-style-type: none"> <li>a) they have a controlling partner/majority shareholder in common; or</li> <li>b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ol> </li> <li>5. Tenders signed by non- authorized persons</li> <li>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>7. Any tenderer that is restricted by National Treasury</li> <li>8. Any tenderer on the Tender Defaulters list.</li> <li>9. A tenderer that sub-contracts 100% Scope of Work.</li> </ol> <p><b>Ineligible tenderer will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for submission is:  Date <b>02 October 2024</b>  Time <b>10:00 am</b>  <b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER ADVISE CENTRE</b>  <b>Eskom Holdings SOC Limited</b>  <b>Tender Box, ground floor</b>  <b>No.10 Smuts Avenue</b>  <b>Witbank / Emalahleni</b></p>

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	<b>Mpumalanga</b>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p><b>The original and complete hard copy of the tender must clearly be divided as per 1.3 above on page 4</b></p> <p>Each section to be bound or put into a separate file. Do not submit loose pages.</p> <p>The cover page of the file to have the following information</p> <ul style="list-style-type: none"> <li>• Company Details,</li> <li>• Tender Enquiry Number,</li> <li>• Description and</li> <li>• Power Station</li> </ul> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is <b>180 days</b>
2.16 Site/clarification meetings	<p><b>A compulsory site clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>17 September 2024</b> Time: <b>10:00</b> Venue: <b>Kusile Power Station Mahlasedi boardroom</b></p> <p><b>tenderers must confirm via email their intention to attend the Clarification Meeting with the Eskom representative – <a href="mailto:Tshabani@eskom.co.za">Tshabani@eskom.co.za</a> stating the name of Company, Name of representative, position and contact details.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5</b> working days before the deadline for tender submission.
2.23 Alternative tenders	<p>Alternative tenders are <b>[are not allowed]</b>.</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"> <li>1. A different completion date.</li> <li>2. A different payment method.</li> <li>3. Different technical methods and specifications</li> </ol> <p>A different main option and other combinations of secondary option clauses, acceptable to Eskom as the <i>Employer</i>, selected from the NEC Engineering and Construction Contract</p>
2.31 Provision of security for performance	Not applicable
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline. Tenders will be opened on:</p> <p><b>Place: Eskom Holdings SOC Limited, NO.10 Smuts Avenue Witbank / Emalahleni</b> <b>Date: 02 October 2024</b></p>

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	<b>Time:10h00</b>										
3.5 Prices to be read out	Prices <b><i>will not be read out.</i></b>										
3.9 Basic Compliance	<b>Basic compliance for this invitation to tender are:</b>  1. Meet the eligibility criteria for a tenderer; 2. Submit one copy of the original tender plus one original tender to Eskom; 3. <b>Central Supplier Database (CSD) number (MAA.....)</b>										
3.10 Mandatory tender returnables	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 the respective Invitation to Tender <b>will be deemed non-responsive.</b>  <b><u>Mandatory</u></b> • Proof of CIDB registration Level 7ME										
3.11 Pre-qualification criteria	Pre-qualification criteria <b>not applicable</b>										
3.12 Designated materials and thresholds	Designated material thresholds is <b>applicable</b> <table border="1"><thead><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr></thead><tbody><tr><td>Steel Products</td><td>Bots, fasteners, Structural steel, Mesh wiring, washers</td><td>100%</td></tr><tr><td>Cement</td><td>Cements</td><td>100</td></tr></tbody></table> <b>NOTE:</b> SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore <b>mandatory</b> and must be completed.	Commodity	Components	Local Content Threshold	Steel Products	Bots, fasteners, Structural steel, Mesh wiring, washers	100%	Cement	Cements	100	
Commodity	Components	Local Content Threshold									
Steel Products	Bots, fasteners, Structural steel, Mesh wiring, washers	100%									
Cement	Cements	100									
3.13 Functionality requirements	Functionality requirements <b>are applicable</b> <table border="1"><tr><td rowspan="3">Technical</td><td>Functionality Criteria</td><td>Maximum number of points percentages</td><td>Tenderers will be expected to least a minimum threshold to go to the next phase</td></tr><tr><td>Technical compliance</td><td>100%</td><td></td></tr><tr><td>Total</td><td>100%</td><td>70%</td></tr></table>	Technical	Functionality Criteria	Maximum number of points percentages	Tenderers will be expected to least a minimum threshold to go to the next phase	Technical compliance	100%		Total	100%	70%
Technical	Functionality Criteria		Maximum number of points percentages	Tenderers will be expected to least a minimum threshold to go to the next phase							
	Technical compliance		100%								
	Total	100%	70%								
3.15 Evaluation of price	Prices will be evaluated as follows:  1. Inclusive of VAT 2. Making the specified correction for arithmetical errors 3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.  1. Unconditional discounts must be taken into account for evaluation purposes:										

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	<p>2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</p> <p>Prices will be scored out of 80 points</p>
3.17 Evaluation of Specific Goals	<p><b>NB: The following documents are required to claim preference points,</b></p> <ul style="list-style-type: none"> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> <li>Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown</li> <li>Certified ID copies of shareholder(s)</li> <li>Proof of Disability (where applicable)</li> </ul> <p><b>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified,</b></p> <ul style="list-style-type: none"> <li>May only score point out of 80 for price</li> <li>Scores 0 points out of 20 for specific goals</li> </ul>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <p>1. 80/20 for tender with rand value equal to or below R50 million</p>
3.19 Objective Criteria (if applicable)	Objective criteria <b>is not applicable</b>
3.20 Reverse e-auction (if applicable)	Reverse e-auction <b>is not applicable</b>
Contractual Requirements	<p>Contractual Requirements may include the following:</p> <ol style="list-style-type: none"> <li>SHEQ requirements; and/or</li> <li>Financial statements; and/or</li> <li>Any other as stipulated _____</li> </ol> <p><b>The tenderer will then be afforded one opportunity to correct and resubmit within 7 working days after the clarification session.</b></p> <p><b>It must be noted failure to submit the correct documents after the clarification session will result in the tender being disqualified.</b></p> <p><b>Please Note:</b> <b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation.</b></p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p>
2.25 Contractual Condition	<p>The conditions of contract will be the <b>NEC3 ECC</b></p> <p>The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report ) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)</p> <p>The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim</p>

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	<p>Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013)</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p>CIDB Requirements <b>are applicable</b></p> <p>It is estimated that tenderers must have a CIDB contractor grading designation of 7ME</p>

**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.**

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

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

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

### **1.3 TENDER RETURNABLES**


The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

**NOTE:**

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**\* Returnable required at Tender closing (disqualifiable) - These returnable 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 tender must be disqualified.**

**\*\* Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also 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, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)**


**# These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner, however the tenderer will not be disqualified but score zero.**

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (01) Original and one (01) hard copy of the original tender	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)			N/A
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)			N/A
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E			✓
<b>Annexure G</b> (applicable for all suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	

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including Foreign suppliers)				
<b># Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
<b>Annexure I</b>	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training acknowledgement form (if applicable)				N/A
<b>Additional Documents required in event of JV:-</b>	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.			✓
	<b># proof of compliance to the stipulated Specific goals.</b>			
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
<b># Specific Goals</b>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects ). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.			✓
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
<b>Tax Evaluation Questionnaire (if services contract &amp; was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]			✓
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			✓
<b>CIDB (where applicable)</b>	Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required		✓	

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	in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer			
<b>NEC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data.	✓		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents)</b>	ECSA Professional Registration for Civil, Mechanical & Electrical Engineering Services	✓		
<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>				
<b>Safety</b>	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)			✓
<b>Quality</b>	Documents that may be required per scope of work			✓
<b>Other safety/ quality documents as required per scope of works</b>				✓
<b>Environmental</b>	Documents that may be required as per scope of work			✓
<b>Due Diligence</b>	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.			✓
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>				
<b>Technical (required for functionality scoring)</b>	Detailed Technical Criteria on the next page	✓		

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## TECHNICAL CRITERIA EVALUATION

The evaluation of tenders will be based on the tenderer's ability to meet the requirements specified in the applicable SOW. A weighted score card approach will be used to evaluate the tenders against the Employer's requirements. In order to be eligible for evaluation, the tenderer shall meet the following gatekeepers/mandatory:

### MANDATORY TECHNICAL EVALUATION CRITERIA

1	Mandatory Technical Criteria Description	Source of Evidence	Motivation for use of Criteria
1.1	None		

### QUALITATIVE TECHNICAL EVALUATION CRITERIA

Notes to tenderer:

1. An undertaking is required that resources identified would not be changed on award of the Contract.
2. The CV's of Key Personnel should have experience which is comparable in nature to the Worksspecified in this tender.
3. It is a requirement that the key personnel in particular have good communication skills in the English language.
4. Where no information is offered by the Tenderer no points shall be scored.

	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Scoring Criteria	Criteria Weighting	Criteria Sub Weighting (%)
	<b>Company's background and experience on design, construction, and commissioning of Industrial HVAC systems of similar scope or more.</b>			<b>30</b>	100
	Background and Experience of similar completed projects that includes, as a minimum, the following: Integrated multidisciplinary design of all relevant engineering disciplines (HVAC, electrical, C&I, civil, structural, building etc), construction / modification / installation, certification commissioning and testing of HVAC systems for Power Station or building services environment.  The scope of work comprises of Heating Ventilation and Air Conditioning System (HVAC), associated electrical works for complete HVAC system, associated controls, and accessories for complete HVAC Works, including	Provide testimonial certificates or completion certificates of at least five (5) Multidisciplinary Projects similar to the scope of work. The testimonial certificates or completion certificates shall consist of the following information:  a) Name of company where project was executed b) Project Description c) Construction period d) Verifiable reference (Contact person)  <b>Note 1:</b> Appointment letters will not be considered.  <b>Note 2:</b> If item b, c and d is not indicated on the testimonial certificate or completion certificates, the tender shall provide the	5= 5 or more completed projects of similar nature and 5 or more years' experience, 100% disciplines covered  4 = 3-4 completed projects of similar nature and 3-5 years' experience, 50% disciplines covered  2 = 1-2 completed project of similar nature and 1-3 years' experience, 20% disciplines covered  0 = 0 completed projects of similar nature and less than 1 year experience		100

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	Central Building Management System (CBMS) interface, associated building and civil works for complete HVAC Works, and Interfacing with fire detection system	<p>information as an attachment to the testimonial certificate or completion certificate.</p> <p><b>Note 3:</b> If the project description is not provided or not comparable to the SoW (integrated multidisciplinary, the testimonial or completion certificate will not be considered</p>			
	<b>Engineering of the complete HVAC Works and Construction Supervision</b>			<b>15</b>	
2.1	1-off Professional Registered Mechanical Technologists/ Engineers with a track record of 5 completed projects as a minimum; for design, construction, and commissioning of HVAC systems in Power Station or building services environment.	<p>Tender returnable – CVs and ECSA certificates to be submitted with reference to 5 completed projects for design, construction, and commissioning of HVAC systems in Power Station or building services environment. The Engineering of the complete HVAC works in terms of this Contract is to be executed by a qualified professional Technologist/Engineer who is a member of Engineering Council of South Africa (ECSA) or equivalent international acknowledgement.</p>	<p>5 = Formal Mechanical BSc/Btech qualification or equivalent international acknowledgement and has 6 or more years working experience.</p> <p>4 = Formal Mechanical BSc/Btech qualification or equivalent international acknowledgement but has 4 to 5 years working experience.</p> <p>2 = Formal Mechanical BSc/Btech qualification or equivalent international acknowledgement, but less than 3 years working experience.</p> <p>0 = Has less than 3 years' experience and no formal Mechanical BSc/Btech qualification or equivalent international acknowledgement</p>		50
2.2	1-off Professional Registered Electrical Technologist/ Engineer with a track record of 5 completed projects as a minimum; for design, construction, and commissioning of Electrical systems in Power Station or building services environment.	<p>Tender returnable – CV and ECSA certificate to be submitted with reference to 5 completed projects for design, construction, and commissioning of Electrical systems in Power Station or building services environment.</p>	<p>5 = Formal Electrical BSc/Btech qualification or equivalent international acknowledgement and has 6 or more years working experience.</p> <p>4 = Formal Electrical BSc/Btech qualification or equivalent international acknowledgement but has 4 to 5 years working experience.</p> <p>2 = Formal Electrical BSc/Btech qualification or equivalent international acknowledgement, but less than 3 years working experience.</p> <p>0 = Has less than 3 years' experience and no formal</p>		25

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				Mechanical BSc/Btech qualification or equivalent international acknowledgement.		
	2.3	1-off Professional Registered Civil or Structural Technologist /Engineer with a track record minimum of 5 years post ECSA Registration in Design and construction of Civil and Structural Works in Power Station or building services environment or related projects	<p>Provide CV and ECSA certificate for the Professionally Registered Civil or Structural Technologist / Engineer that will provide certification of structural modifications that might be required to concrete and steel structures as well as newly constructed infrastructure as defined in Scope of Work document. The professional is to have a minimum of 5 years post ECSA registration with design and construction monitoring experience with relevant reference to the scope of work.</p> <p>The number of years of experience as indicated above must be clearly indicated in the CV for actual projects that the professional has been responsible for.</p> <p>Any of the following will be accepted as evidence of ECSA Registration:</p> <ul style="list-style-type: none"> <li>• Copy of ECSA certificate.</li> <li>• Signed letter from ECSA indicating professional registration is active and date of registration.</li> </ul>	<p>5 = CV and ECSA Certificate evidence provided WITH Experience that match the role and responsibility of the Professionally Registered Engineer. Experience 10 years or MORE post ECSA Registration and relevant to requirements of project.</p> <p>4 = CV and ECSA Certificate evidence provided WITH Experience that match the role and responsibility of the Professionally Registered Engineer. Experience 5-10 years post ECSA Registration and relevant to requirements of project.</p> <p>2 = CV and ECSA Certificate evidence provided BUT Experience does not match the role and responsibility of the Professionally Registered Engineer. Experience is less than 5 years post ECSA Registration and / or not relevant to requirements of project.</p> <p>0 = Only CV or ECSA Certificate evidence provided and / or Experience does not match the role and responsibility of the Professionally Registered Engineer.</p>		25
	<b>Construction of the complete HVAC works</b>				<b>30</b>	

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3.1	<p>1-off Site Manager qualification and experience on similar projects.</p> <p>The Site Manager is the person to whom the Contractor has assigned the responsibility of decision making on all matters relating to the on-site service and maintenance activities (including programming). He/she shall commit to the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted</p>	<p>Tender returnable – Tenderers will score points for a nominated Service Manager with minimum of five (5) or more years working experience in the service &amp; maintenance, construction, commissioning and testing of HVAC projects or other related projects.</p>	<p>5 = Formal tertiary education Mechanical &amp; electrical degree or Diploma or equivalent international acknowledgement but has 5 or more years working experience in service &amp; maintenance construction, commissioning and testing of Mechanical and Electrical System projects.</p> <p>4 = Formal tertiary education Mechanical &amp; electrical degree or Diploma or equivalent international acknowledgement but has 3 or more years working experience in service &amp; maintenance construction, commissioning and testing of Mechanical and Electrical System projects.</p> <p>2 = No formal tertiary education Mechanical &amp; electrical degree or Diploma or equivalent international acknowledgement but has 3 or more years working experience in service &amp; maintenance construction, commissioning and testing of Mechanical and Electrical System projects.</p> <p>0 = No formal tertiary education or equivalent international acknowledgement.</p>		20
3.2	<p>General HVAC Foreman qualification and experience on similar projects.</p> <p>The General Foreman is the person to whom the Contractor has assigned the responsibility of supervising the teams engaged in construction, commissioning and testing activities. He/she shall commit to the project for its full duration,</p>	<p>Tender returnable – Tenderers will score points for a nominated General Foreman with minimum of five (5) or more years working experience in the construction, commissioning and testing of HVAC projects.</p>	<p>5 = Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement, but has 5 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.</p> <p>4 = Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects</p> <p>2 = No formal Trade Test on air conditioning or refrigeration</p>		20

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		unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted. The contractor is to provide contactable references.		or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.  0 = No formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement.		
3.3	1-off HVAC technician qualification and experience on similar projects.  HVAC technician is the person to whom the Contractor has assigned the responsibility for construction, service and maintenance, commissioning and testing activities. He/she shall commit to the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted. The contractor is to provide contactable references.	Tender returnable – Tenderers will score points for a nominated HVAC Service and maintenance technician with minimum of five (5) or more years working experience in the service and maintenance, construction, commissioning and testing of HVAC projects.	5 = Formal tertiary education Mechanical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning & refrigeration or equivalent international acknowledgement, but has 5 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.  4 = Formal tertiary education Mechanical & electrical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning & refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects  2 = Formal tertiary education Mechanical & electrical degree or Diploma or equivalent international acknowledgement or No formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.  0 = No Formal tertiary education or formal Trade Test		40	

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				on air conditioning or refrigeration or equivalent international acknowledgement.		
	3.4	1-off Registered Electrician with Department of Labour (DoL) as Master Installation Electrician or Installation Electrician in terms of Electrical Installation Regulations to certify the electrical installation by issuing the Certificate of Compliance (CoC) on the modified installations.	<p>Tender returnable – CV and Proof of Registration certificate for Master installation electrician or installation electrician to be submitted with reference to 5 completed projects for design, construction, and commissioning of Electrical systems in Building Services Environment.</p> <p>The electrical installation in terms of this Contract is to be executed by a qualified Master Installation Electrician or Installation Electrician who is registered with the Department of Labour (DoL) or equivalent international acknowledgement.</p>	<p>5 = Qualified Master Installation Electrician or Installation Electrician who is registered with the Department of Labour (DoL) or equivalent international acknowledgement and has 6 or more years working experience.</p> <p>4 = Qualified Master Installation Electrician or Installation Electrician who is registered with the Department of Labour (DoL) or equivalent international acknowledgement but has 4 to 5 years working experience.</p> <p>2 = Qualified Master Installation Electrician or Installation Electrician who is registered with the Department of Labour (DoL) or equivalent international acknowledgement, but less than 3 years working experience.</p> <p>0 = Has less than 3 years' experience and no formal qualification or equivalent international acknowledgement.</p>		20
	<b>Testing, Commissioning &amp; Correction of Faults, Completion &amp; Handover and Training &amp; Transfer of Technology</b>				10	
	4.1	1-off HVAC Mechanical Testing and Commissioning technician qualification and experience on similar projects.  HVAC Mechanical	Tender returnable – Tenderers will score points for a nominated HVAC Mechanical Testing and Commissioning technician with minimum of five (5) or more years working experience in the service and maintenance, construction, commissioning and testing of HVAC projects.	5 = Formal tertiary education Mechanical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning & refrigeration or equivalent international acknowledgement, but has 5 or more years working experience in construction, commissioning and testing of		40

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	<p>Testing and Commissioning technician is the person to whom the Contractor has assigned the responsibility of commissioning and testing activities. He/she shall commit to the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted. The contractor is to provide contactable references.</p>		<p>large HVAC or Refrigeration System projects.</p> <p>4 = Formal tertiary education Mechanical &amp; electrical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects</p> <p>2 = Formal tertiary education Mechanical &amp; electrical degree or Diploma or equivalent international acknowledgement or No formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.</p> <p>0 = No Formal tertiary education or formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement.</p>		
4.2	<p>1-off HVAC Electrical &amp; Electronics Testing and Commissioning technician qualification and experience on similar projects.</p> <p>HVAC Electrical &amp; Electronics Testing and Commissioning technician is the person to whom the Contractor has assigned the responsibility of commissioning and testing activities. He/she</p>	<p>Tender returnable – Tenderers will score points for a nominated HVAC Electrical &amp; Electronics Testing and Commissioning technician with minimum of five (5) or more years working experience in the service and maintenance, construction, commissioning and testing of HVAC projects.</p>	<p>5 = Formal tertiary education Electrical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement, but has 5 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.</p> <p>4 = Formal tertiary education Electrical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement, but has 3</p>		40

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	shall commit to the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted. The contractor is to provide contactable references.		<p>or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects</p> <p>2 = Formal tertiary education Electrical degree or Diploma or equivalent international acknowledgement or No formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement, but has 3 or more years working experience in construction, commissioning and testing of large HVAC or Refrigeration System projects.</p> <p>0 = No Formal tertiary education or formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement.</p>		
4.3	<p>1-off HVAC Training Specialist qualification and experience on similar projects.</p> <p>HVAC Training Specialist is the person to whom the Contractor has assigned the responsibility of Training &amp; Transfer of Technology activities (including on job &amp; classroom training). He/she shall commit to</p>	Tender returnable – Tenderers will score points for a HVAC Training Specialist with minimum of five (5) or more years working experience in the training environment for servicing & maintenance, construction, commissioning and testing of HVAC projects or other related projects.	<p>5 = Formal tertiary education Mechanical/Electrical degree or Diploma or equivalent international acknowledgement or Formal Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement but has 5 or more years working experience in the training environment for servicing &amp; maintenance, construction, commissioning and testing of HVAC projects or other related projects.</p> <p>4 = Formal tertiary education Electrical degree or Diploma or equivalent international acknowledgement or Formal</p>		20

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		the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted. The contractor is to provide contactable references.		<p>Trade Test on air conditioning &amp; refrigeration or equivalent international acknowledgement but has 3 or more years working experience in the training environment for servicing &amp; maintenance, construction, commissioning and testing of HVAC projects or other related projects.</p> <p>2 = Formal tertiary education Electrical degree or Diploma or equivalent international acknowledgement or No formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement but has 3 or more years working experience in the training environment for servicing &amp; maintenance, construction, commissioning and testing of HVAC projects or other related projects.</p> <p>0 = No Formal tertiary education or formal Trade Test on air conditioning or refrigeration or equivalent international acknowledgement in the training environment for servicing &amp; maintenance, construction, commissioning and testing of HVAC projects or other related projects.</p>		
	<b>KKS (Kraftwerk-Kenzeichnungs System) Coding</b>			<b>5</b>		
5.1	1-off KKS (Kraftwerk-Kenzeichnungs System) Coding Specialist with a track record of 5 completed projects as a minimum; for coding of plant structures, systems and components according to the KKS (Kraftwerk-Kenzeichnungs System) as developed by the VGB in Power	<p>Tender returnable – CV and certificates to be submitted with reference to 5 completed projects for coding of plant structures, systems, and components according to the KKS in Power Station.</p> <p>KKS coding in terms of this Contract is to be executed by an experienced KKS (Kraftwerk-Kenzeichnungs System) Coding Specialist with proven track record in coding of plant structures, systems, and components according to the KKS (Kraftwerk-Kenzeichnungs System) as developed by the</p>	<p>5 = Experienced KKS (Kraftwerk-Kenzeichnungs System) Coding Specialist with proven track record and has 6 or more years working experience.</p> <p>4 = Experienced KKS (Kraftwerk-Kenzeichnungs System) Coding Specialist with proven track record but has 4 to 5 years working experience.</p> <p>2 = Experienced KKS (Kraftwerk-Kenzeichnungs System) Coding Specialist with proven track record, but less than 3 years working experience.</p>			100

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		Station or related projects	VGB in Power Station or related projects.	0 = Has less than 3 years' experience.		
		<b>Quality Control Inspection Test Plans (ITP) or QCP and Complete Data Books to employer's requirements</b>			<b>5</b>	
	6.1	<p>1-off Quality Control Inspector qualification and experience on similar projects.</p> <p>The Quality Control Inspector is the person to whom the Contractor has assigned the responsibility of all matters relating to the on-site Quality Control Inspection Test Plan (ITP) or Quality Control Plan (QCP) activities to ensure that HVAC meet a set of standards. He/she shall commit to the project for its full duration, unless otherwise agreed by the parties. Should a substitution be allowed, only a person with the same or higher qualifications and experience will be accepted</p>	Tender returnable – Tenderers will score points for a Quality Control Inspector with minimum of five (5) or more years working experience in Quality Control and Quality Assurance related to construction, commissioning and testing of HVAC projects or other related projects.	<p>5 = Experienced Quality Control Inspector with proven track record and has 6 or more years working experience.</p> <p>4 = Experienced Quality Control Inspector with proven track record but has 4 to 5 years working experience.</p> <p>2 = Experienced Quality Control Inspector with proven track record, but less than 3 years working experience.</p> <p>0 = Has less than 3 years' experience.</p>		100
<b>7.</b>	<b>General</b>				<b>5</b>	
	7.1	Organogram of the Proposed Full Time Multidisciplinary Project Team that includes each individual's years of relevant experience.	Provide complete project team structure (organograms) based on the full scope of work i.e., site team organogram and design team organogram. Organograms should clearly distinguish between all required engineering disciplines.	<p>5 = All key project professional CVs submitted and meets minimum years of relevant experience.</p> <p>4 = More than 5 CVs of the key required project professionals submitted that meets minimum years of relevant experience.</p> <p>2 = Less than 5 CVs of the key required project professionals</p>		30

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		<p>Letter confirming the availability of project team for the duration of the project.</p> <p>It is noted that team members may only be replaced with individuals of equal or higher level of competence, after Client approval.</p> <p>Project team to include the following as minimum in addition to the requirements of Qualitative Technical Criteria 1-5 above.</p> <ul style="list-style-type: none"> <li>• Project Manager/Contracts Manager</li> <li>• Project Planner</li> <li>• SHEQ team</li> <li>• Configuration and Document Management.</li> <li>• Quantity Surveyor/Cost Engineer</li> </ul>	<p>submitted that meets minimum years of relevant experience.</p> <p>0 = No organogram submitted</p>		
7.2	Technical proposal that meets requirements of project scope	<p>Technical proposal to include the following as a minimum:</p> <p>a) Understanding of the scope of work as detailed by the functional specification.</p> <p>b) Proposed approach and methodology which includes deliverables, and resource plan, however not limited to. Indicate by general design/construction approach and method statements how the contractor will perform the work for each sub-system of the works (HVAC, Electrical, BMS and Building related works).</p> <p>c) Tenderer confirm compliance to the full scope of work and Technical Specification for the Works Information. Deviation form to be completed should there be a deviation to technical requirements.</p>	<p>5 = Excellent response which demonstrates the ability to deliver the service far more than minimum requirements.</p> <p>4 = Good response detailing clearly how the service will be delivered above and beyond the minimum requirements.</p> <p>2 = Barely adequate levels of required scope proposal.</p> <p>0 = Less than minimum level of required scope proposal or irrelevant.</p>		40
7.3	Proposed work plan.	Preliminary Project schedule showing key deliverable dates and Proposed Work plan indicating intent to undertake	5 = All three conditions of proposed work plan have been met.		20

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		<ul style="list-style-type: none"> <li>Indicating intent to undertake full scope of work whilst Kusile remains live.</li> <li>Activities divided up realistically in schedule.</li> <li>Timelines realistic for execution of activity</li> </ul>	full scope of work whilst Kusile Power Station remains live.	4 = Only two conditions of proposed work plan have been met.  2 = Only one condition of proposed work plan has been met.  0 = None of conditions of proposed work plan have been met.		
7.4	Lead time to mobilise team to execute the site investigations and design work after contract award.		Tenderer to specify lead time to mobilise team to site investigations and design work after contract award.	5 = 1 week or less.  4 = Between 1 and 2 weeks.  2 = Between 3 and 4 weeks.  0 = More than 4 weeks.		10
					<b>TOTAL: 100</b>	

## SHEQ EVALUATION OF TENDERS

### HEALTH AND SAFETY

The following are the minimum requirements for tendering and the official safety file should be submitted for contract evaluation. The submitted documentation will be evaluated and outstanding documentation should be re-submitted within (7) seven working days.

- Annexure B: SHE requirement for tender enquiries;
- OHS plan;
- Costing for Safety Health and Environmental management (e.g medicals, PPE, Trainings);
- Baseline Risk Assessment (BRA);
- Valid Letter of Good Standing;
- SHE policy signed by CEO/ MD; and
- SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications / certificates

Upon contract awarding, the successful contractor should submit a safety file within 2 weeks prior the commencement of activities on site. The safety file must be as per the issued OHS specification.

### QUALITY REQUIREMENTS

- 240-109253698 CQP to be completed
- 240-12248652 Category 2- List of tender returnable
- 240-109253302 Quality Control Plan / Inspection and Test Plan (QCP/ITP)
- QM 58\_240-105658000 Supplier Quality Management Specifications
- 240-68099512 Form A: The tenderer must complete and sign this form to acknowledge and accept Eskom Supplier Quality Requirements as per QM 58 Specification and ISO 9001 Standard

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## ENVIRONMENTAL REQUIREMENTS

- Environmental Policy
- Environmental Aspect and impact register or an environmental management plan (relevant to the scope of work)
- Environmental Management System Certificate (if certified) if not, an environmental management system manual or procedures
- Waste Management Plan
- Proof of training of persons performing activities that could have significant impact on the environment

## SDL&I REQUIREMENTS

<b>Business Unit</b>	Kusile Power Station
<b>Description/ Scope of Work</b>	Provision for Installation of HVAC CEP VSD Room Modification on an as and when required basis for a period of one (01) year at Kusile Power Station
<b>Duration of the Project</b>	For a duration of <b>one (01) year</b>

## Section 1: Specific Goals

A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer. scoring the highest points.

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


### **NB: The following documents are required to claim preference points,**

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit.

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- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

**Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'**

- May only score point out of 80 for price.
- Scores 0 points out of 20 for specific goals

## Section 2: Objective criteria

The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.

### 2.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?

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

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
Steel Products	Bots, fasteners, Structural steel, Mesh wiring, Washers	100%
Cement	Cements	100

**NOTE:** SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory** and must be tender returnables if applicable.

### 2.2 CIDB Skills Development

#### Continuation of Mandatory Requirements

a) Is there CIDB compulsory training?

If yes, what is the% of the Construction Skills Development Goal % (CSDG)

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not applicable	

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

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

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

### **2.3 National Industrial Participation Programme**

Eskom will implement the NIPP requirement, which determines that the contractor/supplier must contact the Department of Trade, Industry and Competition (dtic) to arrange for support and development of local businesses. Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more.

The following narrative must be captured in all tenders that have import/foreign content equal to or in excess of USD 5 million:

“NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilising the instrument of government procurement. The NIPP programme is mandatory for all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding USD 5 million.

“The programme targets South African and foreign industries, enterprises, and suppliers of goods and services to government/parastatals, where the imported content of such goods and services equals to or exceeds USD 5 million. The first customer of NIPP is the South African industry that benefits through the NIPP business plans, which, when implemented, generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, R&D, and technology transfer.

“Companies with an NIPP obligation must sign this obligation agreement with the Department of Trade, Industry and Competition (dtic) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the dtic and the supplier. It defines the NIPP obligation value(s), requirements to fulfil the NIPP obligation, performance milestones, performance monitoring processes, and the NIPP credit allocation criteria.

“All tenders with an import content that is equal to or exceeds the threshold of USD 5 million compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the dtic before signing the contract with Eskom.”.

### **2.4 Mandatory Subcontracting as condition of award**


Subcontracting is mandatory on contracts above R30 million and is a condition for contract award.

Tenderers shall subcontract a minimum of 3% of the contract value to the following designated groups:

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- an EME or QSE which is at least 51% owned by black people.
- an EME or QSE which is at least 51% owned by black people who are youth.
- an EME or QSE which is at least 51% owned by black people who are women.
- an EME or QSE which is at least 51% owned by black people with disabilities.
- an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships.
- a cooperative which is at least 51% owned by black people.
- a EME or QSE which is at least 51% owned by black people who are military veterans.

**NOTE 1:** Tenderers shall submit the following mandatory returnable for Subcontracting:

- Subcontracting agreement signed by both with subcontractors' company registration documents (CK and B-BBEE certificate or sworn affidavit) or
- Copies of sub-contracting contracts (agreements) or copies of letters from the tenderer to the sub-contractors, stating the intent to sub-contract. The Tenderer should sign both documents and the Sub-contractor(s) earmarked.

Potential scope to be subcontracted and/or outsourced:

- PPE
- Transport

Subcontracting, in this instance, will be treated as a condition for contract award. A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

### Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

Tenderers who complete and submit the objectives as required, but who do not meet Eskom's targets, will not be disqualified. SDL&I objectives do not form part of scoring, but commitments will form part of contractual obligations

#### 1. Transformation – BBBEE Improvement or Retention Plan

Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.

Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.

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Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.

Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract.

Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract.

**NB:** A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate

## **2. Local Procurement Content**

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

Tenderers are required to submit their proposals in the table below.

<b>Local Procurement Content</b>	<b>Eskom target</b>	<b>Tenderer Proposal</b>
	100%	

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### 3. Procurement spends on entities with a minimum 51% black ownership.

The winning tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:

- the indirect expenses (e.g., overheads) on goods and services supplied to the contractor/supplier by designated groups; and
- direct spend on goods and services supplied by the subcontractors for the execution of the scope of work.

Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below.

Procurement from Designated Group	Eskom Target	Tenderer Proposal
Black Owned	4.0%	
Black Women Owned	3.0%	
Black Youth Owned	2.0%	
Black Persons with Disability	1.0%	

### 4. Jobs. Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

Type of Jobs to be created	Number of Jobs to be created
General Workers	10
Type of Jobs to be retained	Number of Jobs to be retained

### 5. Skills development

Tenderers are required to submit proposals in a table below for developing the skills of unemployed candidates in the country. Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa

Skill type / Occupation	Eskom target	Proposed Number of Candidates
Electrician or Civil	2	

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The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills.

**Note:** That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives

#### Section 4: SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon:

- Eskom receives the SDL&I progress report/s from the contractor.
- Fulfilment of all SDL&I obligations by the contractor.
- Submission of an approved compliance report by SDL&I Department.

#### Section 5: Reporting and Monitoring

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments

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## Section 6: General Information on Validity of Sworn Affidavits

**The following must be considered when it comes to validity of Affidavits;**

**Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:**

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner or member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements or management account. (Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

## CORPORATE SOCIAL INVESTMENT (CSI)

**Tenderers shall set aside 2% of the contract value for CSI**

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons: ☐

---



---



---

### **Cataloguing Acknowledgement:**

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

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

---



---



---

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

Invitation to Tender/Request for Proposal No: \_\_\_\_\_

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

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

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


Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	

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Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant 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 Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting

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

8.2 What percentage will you be sub-contracting? \_\_\_\_\_%

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8.3 To whom do you intend sub-contracting? \_\_\_\_\_

8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

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

- a) 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).

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

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

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

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

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## 1. Single tenderers

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

## 2. Joint Ventures

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

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

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

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

#### **DECLARATION OF INTEREST**

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

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
  1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
  2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
  3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and

#### **1.a juristic person is “related” to another juristic person if:-**

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

### 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned \_\_\_\_\_ [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 this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this 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	Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity

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

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

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

**Joint Ventures**

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

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

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

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

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## **ANNEXURE F1**

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed 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.

**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.**

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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](http://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):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	


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

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

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


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

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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:** \_\_\_\_\_

#### **Annexure F2- \_Local content Declaration-Summary Schedule (annex C)**



Adobe Acrobat Document

#### **Annexure F3 - \_Imports Declaration-Supporting schedule to Annex C(annex D)**



Adobe Acrobat Document

#### **Annexure F4 - \_Local Content Declaration-Supporting Schedule to Annex C (annex E)**



Adobe Acrobat Document

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## ANNEXURE G

**SBD 1**

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes  <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>BID SUBMISSION:</b>	
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
3.	<b>BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</b>
4.	<b>WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</b>
5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>TAX COMPLIANCE REQUIREMENTS</b>	
1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3.	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b>	

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

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## ANNEXURE H

## SBD 6.1

### PREFERENCE POINTS CLAIM FORM 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

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 applicable preference point system for this tender is the **80/20** preference point system.

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

- Price; and
- Specific Goals.

#### 1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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.
- 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

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preferences, in any manner required by the organ of state.

### 3. DEFINITIONS

1. **“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;
2. **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
3. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
4. **“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
5. **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmin = Price of lowest acceptable tender


### 7. POINTS AWARDED FOR SPECIFIC GOALS

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 stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which

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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—

1. 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
2. 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 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
BBBEE	20	
PRICE	80	

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

1. Name of company/firm.....
2. Company registration number: .....
3. 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]

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4. 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:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. 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;
4. 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 –

1. disqualify the person from the tendering process;
2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
3. 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;
4. 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
5. forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

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## Annexure I

## SBD 4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....  
.....

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

1. If so, furnish particulars:

.....  
.....

**3. DECLARATION**

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

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

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


3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

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

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during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

### Controlled Disclosure

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

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