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|  | Invitation to Tender KZN 0136/YH | Template Identifier | 240-114238630 | Rev | 9 |
| | | Document Identifier | N/A | Rev | N/A |
| | | Effective Date | 11 February 2020 | | |
| | | Review Date | February 2023 | | |

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

The provision of catering services with an EME /QSE Level 1 or Level 2 supplier for Mersey Training Centre, Mkondeni Area Office, Pietermaritzburg and Durban surrounding areas in KZN Operating Unit, on an as and when required basis for a period of Thirty Six (36) months.

| | |
|--|--|
| Tender Enquiry Number | KZN0136/YH |
| Issue date | 10 NOVEMBER 2021 |
| Closing date and time | 10 DECEMBER 2021 at 10h00AM |
| Tender validity period | 5 Months from the closing date and time |
| Clarification meeting | <p><u>COMPULSORY</u> Clarification Meeting</p> <p>Date : 22 NOVEMBER 2021</p> <p>Time : 09:30am</p> <p>Venue: Eskom Mersey Training Center Mersey training Center is situated +- 33km away from Pietermaritzburg City, off the R33 near Mpolweni (-29.391240, 30.447976).</p> <p>Kindly refer to 2.5 on Page 7 for detailed information regarding the MS Teams Clarification Meeting.</p> <p>Failure to attend the compulsory clarification meeting will preclude the suppliers from submitting a tender.</p> |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | <p>The Tender Box / Office Eskom Commercial Building 25 Valley View Road New Germany Kwa Zulu Natal 3620</p> |

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for :

The provision of catering services with an EME /QSE Level 1 or Level 2 supplier for Mersey Training Centre, Mkondeni Area Office, Pietermaritzburg and Durban surrounding areas in KZN Operating Unit, on an as and when required basis for a period of 36 months.

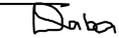
The enquiry documents are supplied to you on the following basis:

- Free of charge

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

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

Yours faithfully



Thandi Xaba

Acting Procurement Manager

KZN Operating Unit (KZN OU 4346)

Date: 09 November 2021

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The following documents listed hereunder are attached to this enquiry

| Number | Description | Annexure/to be downloaded and attached | Attached (Y/N) |
|---------------|--|---|-----------------------|
| 6.1 | *Acknowledgement form | Annexure A | Y |
| 6.2 | *Tenderer's particulars | Annexure B | Y |
| 6.3 | * Integrity Declaration Form | Annexure C | Y |
| 6.4 | SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline | Annexure G | Y |
| 6.5 | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | Annexure H | Y |
| 6.6 | Supplier Integrity Pact | Part 1 – Commercial Tender Requirements | |
| 6.7 | Supplier Development and Localisation (SD&L&I) Undertaking | Part 1 – Commercial Tender Requirements | |

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The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender**; then the tenderers are required to download this from www.eskom.co.za. The "**Tender Data**" as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

| Clause Number from Standard Conditions of Tender | Tender Data | | | | | | | | | | | | | | | | | | |
|--|---|---------|----------|------|--|---|---|--|---|---|---|---|---|--|---|---|--|---|---|
| 1.1 Parties | <p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Yvonne Hadden Tel: 031-7105290 E-mail: yvonne.hadden@eskom.co.za</p> | | | | | | | | | | | | | | | | | | |
| 1.2 Enquiry documents | <p>The Invitation to tender number is: KZN0136/YH</p> <p>All Relevant documentation for this tender will be uploaded onto:</p> <ul style="list-style-type: none"> • Eskom Tender Portal Bulletin • National Treasury E-Tender Portal <p>It is the responsibility of the tendering party to ensure all the required documentation is downloaded and completed and submitted as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">SECTION</th> <th style="text-align: center;">ORIGINAL</th> <th style="text-align: center;">COPY</th> </tr> </thead> <tbody> <tr> <td>SECTION 1 – Will comprise of the Commercial and SD&L Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 2 – Will comprise of the Technical Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 3 – Will comprise of the Safety Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 4 - Will comprise of the Quality Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 5 – Will comprise of the Environmental Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table> | SECTION | ORIGINAL | COPY | SECTION 1 – Will comprise of the Commercial and SD&L Requirements | ✓ | ✓ | SECTION 2 – Will comprise of the Technical Requirements | ✓ | ✓ | SECTION 3 – Will comprise of the Safety Requirements | ✓ | ✓ | SECTION 4 - Will comprise of the Quality Requirements | ✓ | ✓ | SECTION 5 – Will comprise of the Environmental Requirements | ✓ | ✓ |
| SECTION | ORIGINAL | COPY | | | | | | | | | | | | | | | | | |
| SECTION 1 – Will comprise of the Commercial and SD&L Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | |
| SECTION 2 – Will comprise of the Technical Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | |
| SECTION 3 – Will comprise of the Safety Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | |
| SECTION 4 - Will comprise of the Quality Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | |
| SECTION 5 – Will comprise of the Environmental Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | |

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| 1.3 Type of Invitation to Tender | <p>This invitation to tender is:</p> <p style="text-align: center;">1. An open Invitation to tender</p> |
| 1.4 Eskom's rights to accept or reject any tender | The tender shall be for the whole of the contract. |
| 2.1 Eligible tenders | <p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/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. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) |

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| | <ul style="list-style-type: none"> • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p> |
| 2.2 Tender Closing | <p>The deadline for TENDER SUBMISSION is:</p> <p>Date 10 DECEMBER 2021 Time 10:00am</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted only to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Commercial Building 25 Valley View Road New Germany Kwa Zulu Natal 3620</p> <p>If your document is too big to fit into the tender box, the documents can be submitted to an Eskom Tender Office Official at the Eskom Tender Office, during the following times:</p> <p>Monday to Friday – 07h30 to 16h00 prior to the tender closing date. No Tender documents will be accepted after the stipulated tender closing date and time.</p> |
| 2.3 Copy of original tender | <p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline, <u>the tenderer will be disqualified.</u></p> |
| 2.4 Tender Validity Period | <p>The tender validity period is five (5) months from the closing date and time.</p> |

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| 2.5 Site/clarification meetings | <p>A COMPULSORY Meeting will take place on :</p> <p>Date : 22 NOVEMBER 2021</p> <p>Time : 09:30 to 12:00am</p> <p>Venue: Eskom Mersey Training Center Mersey training Center is situated +- 33km away from Pietermaritzburg City, off the R33 near Mpolweni (-29.391240, 30.447976).</p> <p>Failure to attend the compulsory clarification meeting will preclude the suppliers from submitting a tender.</p> |
| 2.6 Clarification on enquiry documents | <p>Tenderers can submit clarification questions via email to yvonne.hadden@eskom.co.za</p> <p>The deadline for the submission of clarification questions is 5 days prior to the Tender Closing Date.</p> <p>Clarification feedback will be posted on the Eskom Tender Bulletin and National Treasury E Tender Portal.</p> |
| 2.7 Alternative tenders | Alternative tenders are <i>not allowed</i> |
| 2.8 Conditions of contract | The conditions of contract will be the <i>NEC 3 TSC (Term Services Contract)</i> |
| 2.9 Opening of tenders | Not Applicable |
| 2.10 Prices to be read out | Prices will <i>not be read out as this is a rates based enquiry</i> |
| 3. Basic Compliance | <p>Basic compliance for this invitation to tender/ RFP are:</p> <p>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness.</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) original plus one (1) complete hard copy of the original tender to Eskom. • Submit a complete tender with all information. • Submission of the mandatory commercial tender returnables at the stipulated deadline date • Central Supplier Database (CSD) number (MAA.....) |

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| <p>3.1 Mandatory tender returnables</p> | <p>A tenderer that does not submit the mandatory tender returnables required by the required deadline as stipulated in the Tender Returnables section by closing date will be deemed non-responsive.</p> <p>The Mandatory Tender returnables required are listed hereunder:</p> <ol style="list-style-type: none"> 1. CSD Registered 2. Companies are to provide a valid certified copy of SANAS accredited BBEE Certificates or valid sworn affidavit confirming their status as a BBEE EME or QSE Level 1 or Level 2 company. A copy of valid sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or A copy of B-BBEE Certificate issued by CIPC for EME's. OR A valid certified copy of SANAS accredited B-BBEE certificate or valid sworn affidavit in the case of QSE's must be submitted, 3. Fully Priced BOQ - Should the BOQ not be completed in its entirety the supplier will be disqualified. 4. Certified SANAS accredited HACCP Certificate (HAZARD ANALYSIS & CRITICAL CONTROL POINTS) 5. Fully completed and signed the SBD1 - Invitation to bid |
| <p>3.2 Pre-qualification criteria</p> | <p>Pre-qualification criteria are applicable</p> <p>The following mandatory pre-qualification criteria are applicable herein:-</p> <ol style="list-style-type: none"> 1. B-BBEE status EME or QSE Level 1 or Level 2 <p>The following document is a mandatory tender returnable for the Pre-qualification criteria</p> <ul style="list-style-type: none"> • A valid sworn affidavit (using the DTI template) or valid certified SANAS Accredited BBEE Certificate confirming their status as an EME or QSE Level 1 or Level 2 company |

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| | <p>Tenderers shall submit the mandatory Tender returnables for B-BBEE contribution.</p> <ul style="list-style-type: none"> • EME's – Valid sworn affidavit (DTI Template) must be attested/signed by a Commissioner of Oaths <u>or</u> A copy of BBEE Certificate issued by CIPC • QSE's – Valid sworn affidavit (DTI Template) must be attested/signed by a Commissioner of Oaths <u>or</u> valid certified SANAS Accredited BBEE Certificate confirming their status as an EME or QSE Level 1 or Level 2 company <p>If the above documentation is not submitted; tenders will be disqualified.</p> | | | | | | | | |
|--|--|----------|--------|------------------------|------|--|--|-----------|-----|
| <p>3.3 Designated materials and thresholds</p> | <p>Designated material thresholds is not applicable</p> | | | | | | | | |
| <p>3.4 Functionality requirements</p> | <p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1" data-bbox="624 1402 1522 1543"> <thead> <tr> <th>Criteria</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>Technical Requirements</td> <td>100%</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Threshold</td> <td>80%</td> </tr> </tbody> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p> <p>The following requirement is a Pre - Qualifying Criteria applicable to the Technical Criteria:</p> <ul style="list-style-type: none"> • Certified SANAS accredited HACCP Certificate (HAZARD ANALYSIS & CRITICAL CONTROL POINTS) <p>Failure to submit the above requirement, will result in disqualification of the submission.</p> | Criteria | Weight | Technical Requirements | 100% | | | Threshold | 80% |
| Criteria | Weight | | | | | | | | |
| Technical Requirements | 100% | | | | | | | | |
| | | | | | | | | | |
| Threshold | 80% | | | | | | | | |

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| | <p>The companies are required to meet a minimum threshold of 80% in order to be considered further.</p> <p>The Technical Requirements are Attached to Part 2 of the Tender Documentation which can be found on the Eskom Tender Bulletin at www.eskom.co.za</p> <p>Refer to Part 2 – Technical Evaluation Criteria Requirements for the detailed breakdown of Tender Returnables to be submitted.</p> |
| 3.5 Evaluation of price | <p>The 80/20 PPPFA scoring system will apply to this tender enquiry.</p> <p>Rates will be offered to the suppliers in the tender process. All the suppliers that confirm acceptance of the rates, will receive an equal score of 80 Points.</p> |
| 3.6 Evaluation of B-BBEE | <p>B-BBEE status will be scored out of 20 points in accordance with the applicable PPPFA scoring system.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will be disqualified.</p> <p>Companies are to provide valid certified BBEE Certificates or valid certified sworn affidavits confirming their status as an EME or QSE Level 1 or Level 2 company:</p> <ul style="list-style-type: none"> • A copy of valid sworn affidavit in the case of EME’s must be submitted (affidavit must be completed fully), or • A certified copy of B-BBEE Certificate issued by CIPC for EME’s. • A certified copy of SANAS accredited B-BBEE certificate or valid sworn affidavit in the case of QSE’s must be submitted |

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| 3.7 Ranking of tenders | <p>Suppliers will be ranked by applying the preferential point scoring 80/20.</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p> <p>Ranking: All submissions will be ranked from highest score to lowest score (functional score). The submissions that meet the functionality threshold of 80% will be considered for selection.</p> <p>Selection: 1 Supplier is required to resource this contract.</p> <p>If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE.</p> <p>Functionality is part of the evaluation process and, where two or more tenderers score equal total points and equal preference points for B-BBEE, the contract will be awarded to the tenderer that scored the highest points for functionality.</p> <p>If two or more tenderers score equal total points in all respects, the award will be decided by the drawing of lots.</p> |
| 3.8 Contractual Requirements | <p>Contractual Requirements include the following :</p> <ul style="list-style-type: none"> • SHEQ requirements; (Safety, Quality and Environmental) <p><u>Safety Criteria</u></p> <ul style="list-style-type: none"> - Annexure B - Health and Safety Plan - Baseline SHE Risk Assessment - Valid Letter of Good Standing (COID or Equivalent) - SHE Policy signed by CEO/MD <p><u>Environmental Criteria</u></p> <ul style="list-style-type: none"> - Annexure B - Environmental Management Plan - Waste Management Strategy / Plan - Environmental Incident Register - Environmental Induction - Environmental Aspects & Impacts (Risk Assessment) |

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| | <ul style="list-style-type: none"> - Environmental Emergency Preparedness & Response Plan - Environmental Policy signed by CEO/MD <p><u>Quality Criteria</u></p> <p>Refer to Part 4 – Quality Evaluation Criteria Requirements for the detailed breakdown of Tender Returnables to be submitted.</p> <p>Tenderers are encouraged to submit the complete Safety, Environmental and Quality documents, with the tender, at the time of tender closing. This will reduce the likelihood of failing the SHEQ criteria, in the event that tenderers are required to submit the outstanding documents after the tender closing.</p> <p>It must be noted that the Safety, Quality and Environmental requirements will be evaluated and companies will be given one opportunity after the first submission with tender to submit the outstanding requirements. The shortfalls and/or outstanding information will be communicated upfront to the tenderer who will then be requested to attend a session where the functional specialist will assist the tenderer to understand the outstanding requirements.</p> <p>The tenderer will then be afforded <u>one opportunity</u> to correct and resubmit within 5 working days after the clarification session.</p> <p>It must be noted failure to submit the correct documents after the first opportunity will result in the tender being disqualified.</p> <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made</p> |
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| | contractual conditions and compliance thereto must be managed in terms of the contract. |
| 3.10 CIDB Requirements | CIDB Requirements are not applicable |
| 3.11 Financial Requirements | <p>A financial evaluation will be conducted by Eskom to further evaluate the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract.</p> <p>An analysis of the tenderers Financial statements will be conducted, for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations.</p> <p>For suppliers who have not traded, or do not have Financial Statements to be evaluated, the suppliers will be requested to submit a list of all assets owned, as well as the amount owing on the asset in order for the Business Risk Analyst to make a decision regarding the contractors financial viability.</p> |

Please note:

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

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

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

- (a) the B-BBEE status level certificate issued by an authorised body or person; or**
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or**

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(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

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SCOPE OF WORK :

provision of catering services with an EME /QSE Level 1 or Level 2 supplier for Mersey Training Centre, Mkondeni Area Office, Pietermaritzburg and Durban surrounding areas in KZN Operating Unit, on an as and when required basis for a period of 36 months.

Mersey Training Centre

Mersey Training Center is situated +-33 KM away from Pietermaritzburg city, off the R33 near Mpolweni It is an Eskom training center where both internal and external students are trained in various technical skills.

It consists of the office building, main kitchen, entertainment area, 6 x Lecture rooms, workshops and accommodation facilities. The business need is for the provision of a full catering service in this facility. This facility has an on-site kitchen for the preparation and servicing of meals for the students on an as and when required basis

Mkondeni Area Office and Pietermaritzburg and surrounding areas

Mkondeni Complex is situated at 1 Portland Road, It is an Eskom office complex. The business need is for the provision of catering services to this facility and to the Pietermaritzburg and surrounding area Eskom Facilities, on an as and when required basis

Durban

New Germany

New Germany Complex is situated at 25 Valley View, New Germany, It is an Eskom office complex. The business need is for the provision of catering services to this facility on an as and when required basis

Westville

Westville area office is situated at 3 Menston Road, Westville, and 1 Langford Road Westville. The business need is for the provision of catering services to these facilities on an as and when required basis

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The purpose of this contract is to appoint a suitably qualified Contractor for the Provision of Catering Services for KwaZulu Natal Operating Unit, on an as and when required basis.

Requirements for the services are:

- Mersey Training Centre Catering
- Pietermaritzburg and Durban Areas Catering
- Food Safety
- Adhoc Items
- COVID Provision

CATERING SERVICE - MERSEY TRAINING CENTRE

- Preparing of meals are done at an Eskom Mersey Training Centre premises. In the event where the Contractor deems the volumes not viable for meals be prepared at Mersey Training Centre, the Contractor has the option to prepare the meals offsite at an acceptable food preparation premises and deliver to the relevant venues. No kilometres will be paid for delivery to Mersey Training Centre if meals are prepared at different site.
- Provision of Breakfast for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- Provision of Lunch for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- Provision of Lunch for Eskom employees and External Clients at the conference venues in and around Mersey Training Centre, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of Lunch packs to Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order. This is done as per the demands of the customer. It must be served in polystyrene foam boxes with plastic spoons, plastic forks, plastic knives, serviettes and salt etc.
- Provision of Food Delivery Services in and around the Mersey Training Centre, as and when required via a task order.
- Provision of mid-morning and mid-afternoon tea and snacks to Eskom employees and External Clients at the conference venues at Mersey Training Centre, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of afternoon sandwiches to Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 5 days a week.
- Provision of Dinner for Accommodation Residents, Eskom employees and External Clients, as and when required on an ordered quantity via a task order, up to 7 days a week.
- The provision and serving of health meals, vegetarian meals, Halaal meals, kosher meals and special dietary requirements based on orders placed in advance via a task order.
- Provision of refreshments as and when required by the Client, on an ordered quantity via a task order.
- The supply of Long Life Milk for Mersey Training Centre, for the use in cereals, tea and coffee. Milk used in the preparation of meals will be for the account of the Contractor.
- The provision of all tea and coffee, and sugar for these beverages, will be supplied by Eskom, and served by the Contractor.

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- The provision of all food stuff and other material necessary for the catering services.
- Setting up of meals and make sure that meals are presented in a neat manner.
- Sit down meals will be served by use of crockery and cutlery, which will be provided by the Contractor. The Contractor will be responsible for any broken or missing crockery and cutlery.
- Provision of utensils, catering dishes and appliances, over and above that supplied by Eskom, as and when required for the provision of the services, are for the Contractor's account.
- The Contractor will be responsible for the repair or replacement of any damage to Eskom owned property, equipment, appliances and utensils.
- Provision, with all meals, tooth-picks, serviettes and drinking straws, by the Contractor.
- Provide trained personnel and management necessary for the efficient running of the catering services.
- Maintain the premises in a clean and hygienic manner.
- Provision of material and supplies for disinfection of food preparation surfaces, equipment, the kitchen and the canteen.
- Provision for Hygiene Audits Reports, on Service Manager's request, from an accredited independent authority. The Costs to obtain the Hygiene Audits Reports is for the account of Contractor.
- Meals must be altered weekly on a four week rotational basis or by agreement by the Service Manager.
- Ensure that meals are nutritious, healthy and in good quality. All menus designed by the Contractor must be approved by an accredited dietician.
- Ensure an effective administrative, accounting systems and procedure for the efficient running of the catering service.
- The following meal times that must be adhered to, unless otherwise instructed by the Service Manager:
 - Breakfast : To be served between 06h00 – 08h00
 - Morning Tea : To be served between 10h00 – 10h30
 - Lunch: To be served between 11h30 – 13h00 at the Canteen as well as the Conference Venues.
 - Afternoon Tea : To be served between 14h30 – 15h30
 - Afternoon Sandwiches : To be served at 16h00, if requested by the Employer
 - Dinner : To be served between 18h00 – 20h30

The details of the contents contained in each meal are provided in the table below:

Provision of Breakfast Meals

Breakfast Specification Table:

| Item | Weight (Per person) |
|---|-----------------------|
| Tea or Coffee (supplied by Eskom and served by the Contractor) | 250ml |
| Bread / Toast | 4 Slices |
| Protein | 80g – 150g |
| Eggs | 2 Large |
| Side dish (Vegetables) | 100g |
| Cereals (Hot or Cold) | 125g |

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|--------------------------------|---|
| Margarine | 2 x 8g Flora or equivalent |
| Jam | 2 x 8g |
| Milk for cereal and tea/coffee | 300 ml of Long life full cream / low fat milk |

- The breakfast menu will be developed, and proposed by the Contractor to the Service Manager for approval, in line with the Breakfast Specifications Table.
- **Provision for Special Meals** (health meals, vegetarian meals, Halaal meals, kosher meals and special dietary requirements)
- Should the provision of health meals, vegetarian meals, Halaal meals, kosher meals and special dietary requirements be required, a task order will be issued for this. The Contractor will be paid a percentage (%) markup as indicated in the price list based on the invoice provided for the cost of the meal. Furthermore the Contractor will be paid a kilometre rate from Mersey Training Centre to the collection point, to the delivery point and back to Mersey Training Centre.

Provision of Lunch Meals

Lunch Specification Table:

| Contents | Weight (Per person) |
|----------------------------------|--|
| Protein | Protein (red meat) : 250g OR Protein (white meat) - : 250g |
| Gravy | 100ml |
| Starch (variety) | 300g |
| Vegetables(Yellow/White & Green) | 125g |
| Salads (variety) | 125g |
| Salad Dressing | 25ml |

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The lunch menu will be developed, and proposed by the Contractor to the Service Manager for approval, in line with the Lunch Specifications Table.

Lunch Pack Specification Table:

| Contents | Weight (Per person) |
|--|---|
| Protein | Protein (red meat) : 250g OR Protein (white meat) : 250g |
| Starch (Pap) or Rice | 300g |
| Unsalted peanuts or Health bar or dried fruits | 100g |
| Fresh Fruit | Either an apple, banana, pear, orange, mandarin or as agreed with the Service Manager |
| Packaging | Polystyrene foam 2 division meal box with a plastic spoon, fork and knife. Include condiments. Must be covered with cling-wrap. |

Snacks

| Contents | Weight (Per snack item) |
|--|---|
| Assorted Muffin with butter | 80g |
| Toasted Sandwiches with assorted fillings | 160g |
| Scones with butter | 90g |
| Scones with butter and cheese, or, jam and cream | 100g |
| Whole fresh fruit | Either an apple, banana, pear, orange, mandarin or as agreed with the Service Manager |
| Yoghurt | 100g (choice of normal fat and low fat) in individually sealed container |

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Provision of Dinner Meals

Dinner Specification Table:

| Contents | Weight (Per person) |
|----------------------------------|--|
| Protein | Protein (red meat) : 250g OR Protein (white meat) - : 250g |
| Gravy | 100ml |
| Starch (variety) | 300g |
| Vegetables(Yellow/White & Green) | 125g |
| Salads (variety) | 125g |
| Salad Dressing | 25ml |
| Dessert (variety) | 125g |

The weekly dinner menu, will be developed, and proposed by the Contractor to the Service Manager for approval, in line with the Dinner Specifications Table.

Provision of refreshments

- The Contractor will be required to supply the refreshments listed below as and when required by the Employer or their representatives:
 1. Coca-Cola soft drinks in 300ml cans
 2. Liqui Fruit fruit juices in 300 ml cans
 3. Bottle water in 500ml

Provision of material and supplies for disinfection of food preparation surfaces and canteen

- The Contractor will be required to provide cleaning material (Food Approved) and wash the dishes and other utensils used in the kitchen as well as cleaning and disinfecting the food preparation surfaces and the canteen.
- The Contractor will be required to provide the chef's knives, materials and consumables required to achieve the above as well as ensuring the hygiene of his/her employees. Quarterly hygiene audits to be performed by the reputable independent laboratory. The cost of these will form part of the catering contract and should be included as part of the Contractor's rates in the Price List.

Set up of Venues

The Contractor will be required to ensure that the venues are set up using linen, cutlery and crockery. The Boardrooms and Conferencing Venues need to be cleaned and ready for use from Monday to Friday every week.

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CATERING SERVICE - DURBAN, MKONDENI AND PIETERMARITZBURG SURROUNDING AREAS.

- Provision of catering services for meetings and training interventions at Pietermaritzburg and Durban Areas sites, on an as and when required basis, on an ordered quantity via a task order.
- Preparing of meals are done at an Eskom Mersey Training Centre premises. In the event where the *Contractor* deems the volumes not viable for meals be prepared at Mersey Training Centre, the *Contractor* has the option to prepare the meals offsite at an acceptable food preparation premises and deliver to the relevant venues. Kilometres will be paid from Mersey Training Centre, the base site to the delivery site and back to Mersey Training Centre.
- The provision of all foodstuff and other materials necessary for the catering *service*.
- Serving of meals to the Eskom employees and guests at the requested site as well as catering for special functions i.e. boardroom meetings, conferences, training interventions.
- The provision and serving of health meals, vegetarian meals, halaal meals, kosher meals and special dietary requirements based on orders placed in advance via a task order.
- Provision of refreshments as and when required by the Client, on an ordered quantity via a task order.
- Setting up of meals and make sure that meals are presented in a neat manner.
- Sit down meals will be served by use of crockery and cutlery, which will be provided by the *Contractor*. The *Contractor* will be responsible for any broken or missing crockery and cutlery. Washing of crockery and cutlery will be done off-site by the *Contractor*.
- Provision of utensils, catering dishes and appliances, as and when required for the provision of the *services*.
- The *Contractor* will be responsible for the repair or replacement of any damage to Eskom owned property, equipment, appliances and utensils.
- Provision with all meals of tooth picks, serviettes and biodegradable biodegradable drinking straws, by the *Contractor*.
- Provide trained personnel and management necessary for the efficient running of the catering *services*.
- Maintain the premises in the clean and hygienic manner.
- Provision of material and supplies for disinfection of food surfaces and equipment.
- Ensure that meals are nutritious, healthy and in good quality.

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- Ensure an effective administrative, accounting systems and procedure for the efficient running of the catering *service*.
- The meal times that must be adhered to, as stipulated on the Task Order.

The details of the contents contained in each meal are provided in the table below:

Specification of Meals

| Contents | Weight (Per person) |
|----------------------------------|---|
| Protein | Protein (red meat) : 250g OR Protein (white meat) - : 250g |
| Gravy | 100ml |
| Starch (variety) | 300g |
| Vegetables(Yellow/White & Green) | 125g |
| Salads (variety) | 125g |
| Salad Dressing | 25ml |

Specification of Drinks

| Contents | (Per person) |
|-------------------------------|--|
| 300ml Can of Cold drink | Coca-Cola soft drinks in 300ml cans – SABS approved |
| 500ml Bottled water | 500ml bottles - SABS approved |
| 300ml Can of 100% Fruit juice | Liqui-Fruit fruit juices in 300ml cans – SABS approved |

Set up of Venues

The *Contractor* will be required to ensure that the venues are set up using linen, cutlery and crockery. The Boardrooms, Conferencing Venues and dining areas need to be cleared of all catering equipment and ready for use after each function.

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FOOD SAFETY

The supplier will be required to comply with safety laws and safety procedures with the minimum of the following:

- Occupational Health and Safety Act ,Act 85 of 1993 with copy of Company Health & Safety Policy
- National Health Act (Act No 61 of 2003)
- Foodstuff, Cosmetics and Disinfectant Act, Act 54 of 1972
- SANS 22000 Food safety Management
- SANS 10156 Handling of Chilled or Frozen food
- SANS 10133 Pest control in Food handling areas
- SANS 10049 Food safety Management and pre requisites
- SANS 10330 Requirements for a Hazard Analysis and Critical Control Point (HACCP) system
- Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters - GN 638/2018 (foodstuffs, Cosmetics and Disinfectants Act 54 of 1972)
- 39-113 Eskom Food Hygiene and Safety Management Standard
- R638 of June 2018
- Uniforms and Personal Protective clothing for the *Contractor's* employees must be issued by the *Contractor* and be in good and acceptable condition as deemed by the *Service Manager*.
- Annual medical observation and surveillance of each of the *Contractor's* employees (once at the beginning of the year (3 times during the three year contract period)
- Cleaning of the extractor hood to be done at a minimum of a quarterly interval by the *Contractor*
- Cleaning of the fat trap to be done at least on a monthly basis by the *Contractor*
- Pest Control to be performed monthly in the kitchen, grocery storerooms and dining hall.
- The ERE Safety Representative will monitor compliance by the *Contractor* with the Health and Safety Policy by means of Audits, and may give instructions for improvements.
- The *Contractor* shall note that independent health and safety audits (or if considered suitable by the ERE Safety Manager combined audits with the *Contractor's* auditor) will be carried out as considered necessary by the ERE Safety Representative.
- The chef must have at least a General Chef Training certificate and a Food Handlers Certificate, from an accredited body
- The management must have a Food Safety Management Training Certificate from an accredited body.
- All associated staff involved in the preparation of the food must have a Food Handlers Certificate from an accredited body.

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ADHOC ITEMS

- Provision of Adhoc items as requested by Service Manager for the delivery of the service.

COVID PROVISION

- Provision of COVID PPE to meet the SHE requirements for the period requested by *Employer*. This provision must come to an end if instructed by the *Service Manager* and the *Contractor* will no longer be compensated for this provision.

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TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

| Reference | Returnables from supplier | Returnables mandatory for evaluation purposes and due at tender closing | Returnables mandatory for contract award and due prior to contract award |
|--|---|---|--|
| Basic Compliance | One (1) original Plus one (1) complete hard copy of the original tender document in its entirety must be submitted to Eskom by the Tender Closing Date. | ✓ | |
| Pre-qualification criteria : <ul style="list-style-type: none"> B-BBEE EME or QSE Level 1- 2 | Valid Sworn Affidavit confirming status as a : BBBEE EME or QSE Level 1 - 2 Company Please Note that : “proof of B-BBEE status level of contributor” means- <ul style="list-style-type: none"> A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> Valid and Certified copy of B-BBEE Certificate from SANAS accredited verification agency. If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer will be disqualified | ✓ | |

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| Reference | Returnables from supplier | Returnables mandatory for evaluation purposes and due at tender closing | Returnables mandatory for contract award and due prior to contract award closing |
|--|--|---|--|
| Annexure A | Acknowledgement Form | | ✓ |
| Annexure B | Tenderers Particulars | | ✓ |
| Annexure C | Integrity Pact Declaration form | | ✓ |
| Annexure G (applicable for all suppliers including Foreign suppliers) | SBD 1- to be submitted with the tender at tender submission deadline | ✓ | |
| Annexure H | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | ✓ | |
| Supplier Development & Localisation | | | ✓ |
| Additional Documents required in event of JV:- | Letter of intent to form a JV/consortium | | ✓ |
| | Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. | | ✓ |
| | Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement) | | ✓ |
| | * A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated BBEE Status Level Verification Certificate for every separate tender. | ✓ | |
| | Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement. | | ✓ |

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|--|---|---|---|
| *B-BBEE Certificates or Sworn Affidavit | Failure on the part of the supplier to submit a valid current B-BBEE certificate or sworn affidavit for purposes of evaluation and scoring by the tender closing will result in disqualification | ✓ | |
| Tax Clearance Certificates | 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. | | ✓ |
| Tax Evaluation Questionnaire | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | | ✓ |
| Compliance with Employment Equity Act | To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only) | | ✓ |

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| Reference | Returnables from supplier | Returnables mandatory for evaluation purposes and due at tender closing | Returnables mandatory for contract award and due prior to contract award |
|---|--|---|--|
| Shareholding | Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers) | | ✓ |
| NEC Documentation | Completed NEC contract data. | ✓ | |
| Mandatory Requirement: Certified SANAS accredited HACCP Certificate (HAZARD ANALYSIS & CRITICAL CONTROL POINTS) | Certified SANAS accredited HACCP Certificate | ✓ | |
| DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS | | | |
| Safety | COIDA - Original certified certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only) | | ✓ |
| Quality | Documents that may be required per scope of work | | ✓ |
| Environmental | Documents that may be required as per scope of work | | ✓ |
| Due Diligence | 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. Start-up enterprises formed within the last 12 months are not required to send in statements, but are required to submit their Management Accounts for Evaluation. | | ✓ |

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| DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA | | | |
|---|---|---|--|
| Technical (required for functionality scoring) | As per Part 2 of the Tender Documentation | ✓ | |

Please note:

All contractors that pass the functionality threshold of 80% will then be evaluated for the contractual requirements of Safety, Quality and Environment.

DEFINITIONS

Mandatory Criteria:

Mandatory criteria (gatekeepers) are ‘must meet’ criteria. These criteria shall not be weighted or point scored, but shall be assessed on a Yes/No basis as to whether or not the criteria are met. An assessment of ‘No’ against any criterion shall technically disqualify the tenderer and shall not be further evaluated against Functional Criteria.

Functional Criteria:

Bids meeting the Mandatory Evaluation Criteria will be evaluated against the Functional Evaluation Criteria in order to allocate an evaluation result (score). Submissions achieving a score meeting or exceeding the define threshold will be considered for further evaluation.

Enquiry returnable:

Items stipulated in the Tender Enquiry, defined as mandatory and functional, to be submitted as part of the tender submission. Also known as evidence.

Other Evidence:

Additional evidence required either during tender stage or contract award stage which is not scored and will not affect the final score allocated to the submission.

Ranking:

If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE.

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Functionality is part of the evaluation process and, where two or more tenderers score equal total points and equal preference points for B-BBEE, the contract will be awarded to the tenderer that scored the highest points for functionality.

If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

Selection:

This Procurement Process will result in an enabling agreement being placed with a one supplier on an as and when required basis.

Contract Award: A maximum number of 1 contractor is required to be contracted with per area. The functionality ranking of all contractors who have met the minimum 80% threshold plus and have met the Safety, Quality, Environment and Financial evaluations will determine the selection which will be based on price and preference scores and thereafter the deadlock procedure will be applied.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
 2. _____
 3. _____
- ---

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

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

Or: Incorrect or incomplete for the following reasons:

Invitation to Tender: _____

Name of company/JV: _____

Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

| | |
|---|--|
| Name of lead partner/member in case of JV | |
| CIPC Registration Number (for each individual company / JV member) | |
| VAT registration number (for each individual company / JV member) | |
| CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs) | |
| Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers) | Include as separate tender returnable if required. |
| Contact person | |
| Telephone number | |
| E-mail address | |
| Postal address (also of each member in the case of a JV) | |
| Physical address (also of each member of the JV) | |

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

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

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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
5. Alternatively, you may contact [•] **Babalwa Mhlophe - MhlophB@eskom.co.za**
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

8.1 Confirm if you intend sub-contracting

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.6 Please confirm B-BBEE level of said sub-contractor _____
- 8.7 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women
 - d. Black people with disabilities
 - e. Black people living in rural or underdeveloped areas or townships

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- f. Cooperatives which are 51% owned by Black people
- g. Black people who are military veterans

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

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

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B. Joint Ventures

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

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

| Legal Name of Joint Venture Member | Full Name and Capacity of Authorised Signatory | Signature |
|---|---|------------------|
| | | |
| | | |
| | | |
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ANNEXURE C

INTEGRITY DECLARATION FORM

1. DECLARATION OF INTEREST

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

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

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

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

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

2. Do the tenderer/s and other tenderer in this tendering 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, or any of its directors have:

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

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

| Item | Question | Yes/No | No |
|------|---|--------|----|
| 1.1 | <p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><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 parten rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.2 | <p>Is the <i>tenderer/s(or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p> | | |
| 1.3 | <p>Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p> | | |

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| | | | |
|-------|--|--|--|
| 1.3.1 | Provide details. | | |
| 1.4 | Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution | | |
| 1.5 | Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC? | | |

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

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

| | |
|---|--|
| Signature: | |
| Designation and capacity in which signing: | |
| Date: | |

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:Joint Ventures

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

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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing : | |
| Date: | |

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

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ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

| | | | | | |
|--|---|--|-------------------------------------|---|--|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | | CLOSING DATE: | | CLOSING TIME: | |
| DESCRIPTION | | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7). | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes <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: | | | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |

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

PART B TERMS AND CONDITIONS FOR BIDDING

| |
|---|
| 1. BID SUBMISSION: |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE |
| 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 1.5. THIS BID IS SUBJECT TO THE 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. |
| 2. TAX COMPLIANCE REQUIREMENTS |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS. |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. |

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2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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Annexure H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

| | POINTS |
|--|---------------|
| PRICE | |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | |
| Total points for Price and B-BBEE must not exceed | 100 |

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

2. DEFINITIONS

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

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

(Tick applicable box)

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

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

| Designated Group: An EME or QSE which is at least 51% owned by: | EME | QSE |
|--|------------|------------|
| | √ | √ |
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |

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| | | |
|--|--|--|
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| OR | | |
| Any EME | | |
| Any QSE | | |

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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business:.....

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

| |
|--|
| <p>WITNESSES</p> <p>1.</p> <p>2.</p> |
|--|

| |
|---|
| <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> |
|---|

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