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NEC3 Engineering and Construction Contract

PART ONE COMMERCIAL REQUIREMENTS

**THE DESIGN, MANUFACTURE, SUPPLY, CONSTRUCTION,
INSTALLATION AND COMMISSIONING OF 2X 3MVAR, 22KV SHUNT
CAPACITORS AND C-TYPE FILTERS AT MAKHATHINI SUBSTATION
IN THE EMPANGENI AREA OF THE KZN OPERATING UNIT,
FOR A PERIOD OF TWENTY-FOUR (24) MONTHS.**

ENQUIRY NUMBER : KZN171

TENDERER NAME : _____

**TENDER CLOSING
DATE : Wednesday,
12 February 2025
AT 10H00**

Commercial Mandatory Returnable (Disqualifiable)

These returnables are required to be submitted with the tender at tender closing date and time. If not submitted by the tender closing date, the tender will be disqualified.

- Meet the eligibility criteria for a tenderer.
- The tenderer must submit one (1) original tender in paper form, plus one (1) complete hard copy of the original tender, in paper form to Eskom at tender submission deadline.
- The Bill of Quantities must be priced in its entirety.
- Completed and signed NEC 3 Engineering and Construction Contract, Offer and Acceptance and the Schedule of Deviations pages.

Commercial Mandatory Returnable (Non-Disqualifiable).

These returnables are also required to be fully completed, signed, and submitted with the tender at tender closing date and time. However, if not submitted by tender closing, the Procurement Practitioners will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable/s are not fully completed, signed and/or received by the Procurement Practitioner within five (5) working days of the request, the tender will be disqualified.

- Fully completed and signed the SBD1 Invitation to bid form in the invitation to tender.
- Fully completed and signed the SBD 6.1 preference claim form in the invitation to tender.
- Fully completed and signed the SBD 6.2- Declaration Certificate for Local Production and Local Content form in the invitation to tender.
- Fully completed and signed the SBD 4 Bidders Disclosure form in the invitation to tender.
- Fully completed and signed Annexure A – Authorisation Form.
- Fully completed and signed Annexure B - Acknowledgement form.
- Fully completed and signed Annexure C - Tenderer's particulars.
- Fully completed and signed Annexure D - Integrity Declaration Form.

Commercial Mandatory Returnable (Non-Disqualifiable)

This returnable is required to be submitted with the tender at tender closing date and time. However, if not submitted by tender closing, the Procurement Practitioner will request in writing the outstanding returnable to be submitted within twenty-one (21) working days of the tender closing date. If the requested returnable is not received by the Procurement Practitioner within twenty-one (21) working days of tender closing date, the tender will be disqualified.

Valid proof of CIDB (Construction Industry Development Board) Registration with the CIDB grade 6 EP or higher.

However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.

Commercial Mandatory Returnable required prior to Contract Award (Non-Disqualifiable).

The requested returnable/s are required to be received by the Procurement Practitioner upon request by contract award; failure to provide the document will deem the tender non-responsive.

- CSD Registration – Companies are required to provide a valid CSD (MAAA.....) number.
- Valid Tax Clearance Certificate /Tax Pin
- COID Registration

CHECKLIST OF REQUIREMENTS FOR KZN171		✓	x
1	One (1) original tender in paper form, plus one (1) complete hard copy of the original tender, in paper form to Eskom at tender submission deadline.		
2	The Bill of Quantities must be priced in its entirety.		
3	Completed and signed NEC 3 Engineering Construction Contract – Form of Offer and Acceptance and the Schedule of Deviations		
4	Fully completed and signed the SBD1 Invitation to bid form in the invitation to tender.		
5	Fully completed and signed the SBD 6.1 Preference claim form in the invitation to tender.		
6	Fully completed and signed the SBD 6.2 Declaration Certificate for Local Production and Local Content form in the invitation to tender.		
7	Fully completed and signed the SBD 4 Bidders Disclosure form in the invitation to tender		
8	Fully completed and signed Annexure A Authorisation Form.		
9	Fully completed and signed Annexure B Acknowledgement form.		
10	Fully completed and signed Annexure C Tenderer's particulars		
11	Fully completed and signed Annexure D Integrity Declaration Form.		
12	Contractors will need to provide proof that they have applied or currently have a CIDB grading of a Level 6 EP or higher at Tender Closing. However, where valid proof of CIDB Registration is not available at tender closing deadline, proof of CIDB grading must be returned within twenty-one (21) working days of the tender closing.		
13	CSD Registration (MAAA Number)		

CHECKLIST OF REQUIREMENTS FOR KZN171		✓	✗
14	Valid Tax Clearance Certificate /Tax Pin		
15	COID Registration		
16	BBBEE Certificate / Certified Sworn Affidavit		
17	CIDB Registration		
18	Non-Disclosure Form (NDA)		
19	Section 37(2) Agreement		
20	Supplier Declaration Form		

**Attach your CIDB Grading
of 6EP and higher, to this page**

**Contractors will need to provide proof that
they have applied or currently have a CIDB
grading of a Level 6EP and higher at
Tender Closing. However, where valid
proof of CIDB Registration is not available
at tender closing deadline,
proof of CIDB grading must be returned
within twenty-one (21) working days
of the tender closing.**

**Attach your Bill of Quantities (priced
in its entirety), to this page**

**Attach the completed and signed
NEC 3 Engineering Construction
Contract – Form of Offer and
Acceptance and the Schedule of
Deviations, to this page**

**Attach the fully completed and
signed off SBD 1 Form (Part A & B),
to this page**

**Attach the fully completed and
signed off SBD 6.1 Form,
to this page**

**Attach the fully completed and
signed SBD 6.2- Declaration
Certificate for Local Production and
Local Content form in the invitation
to tender, to this page**

**Attach the fully completed and
signed off SBD4 Bidder's Disclosure
Form, to this page**

**Attach the completed and signed off
Annexure A – Authorisation Form,
to this page**

**Attach the completed and signed off
Annexure B - Acknowledgement
form, to this page**

**Attach the completed and signed off
Annexure C - Tenderer's
Particulars, to this page**

**Attach the completed and signed off
Annexure D - Integrity Declaration
Form, to this page**

**Attach the CSD Registration
(MAAA Number), to this page**

**Attach the Valid Tax Clearance
Certificate /Tax Pin, to this page**

Attach the COLD Registration, to this page

**Please note that this must be valid and the Nature of
Business must be relevant to this Scope of Work**

**Attach the BBBEE Certificate /
Certified Sworn Affidavit,
to this page**

**Attach the completed and signed
Off Non-Disclosure Form (NDA),
to this page**

**Attach the completed and signed
Off Section 37(2) Agreement,
to this page**

**Attach the completed and signed
Off Supplier Declaration Form,
to this page**

CONTRACTOR INFORMATION

It is important that this information is completed accurately and completely.

1.	Eskom Vendor Registration Number	
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If you are not currently a registered vendor with Eskom, you are not required to register for tender submission. Registration on the Eskom Vendor Database is not a prerequisite for submitting a tender. Companies who are not currently registered will not be prejudiced in any way for the evaluations.

Note: The successful supplier / service provider will be notified upon contract award to submit the following documents for registration purposes. These documents should be submitted within five working days upon receipt of the notification

2.	Company Registered Name	
3.	Company Trading Name	
4.	Company Registration Number as per SARS Tax Clearance Certificate	
5.	Expiry Date as per SARS Tax Clearance Certificate	
6.	Central Supplier Database Registration (CSD) MAAA.....	
7.	Expiry Date as per Compensation for Occupational Injuries and Diseases Act (COID)	
8.	Nature of Business as per COID certificate	
9.	B-BBEE Status as per SANAS Accredited Certificate or Sworn Affidavit	
10.	CIDB CRS Number as per CIDB Registration	
11.	CIDB Category of work and Level (e.g., CE and above)	

12.	Shareholders as per Declaration of Shareholding or Beneficiaries	
	Names of all Shareholders	Identity Number of all Shareholders
		Number / Percentage of Shares

13.	Are any shareholders employed by or close family members to employees of Eskom Holdings and/or its subsidiaries?	
14.	If Yes, provide details	
15.	Office Telephone Number	
16.	Your cell phone contact details	
17.	Your email address	

19. COMPANY BANK DETAILS

Name of Account Holder:	
Bank:	
Account Number:	
Branch:	
Branch Code:	
Type of Bank Account:	

KZN171	DECLARATION OF SHAREHOLDING OR BENEFICIARIES	
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Eskom prospective Suppliers are requested to declare the names of Shareholders in their Company. Kindly disclose all the names of individuals or/and companies that own shares in your organisation.

Details of Disclosure

I, the undersigned _____ (Position) _____ hereby
 declare that I am the authorised representative of my organisation _____ (Name
 of Company or Trust). I further declare that the following people are Shareholders/Beneficiaries in
 _____ (Name of Company or Trust)

Name of the Company/Trust	Registration number of the Company/Trust	Names of all Shareholders	Identity Number of all Shareholders	Number/ percentage of Shares

(Tick applicable box)

Are any of the shareholders or beneficiaries declared above employed by or close family members* to employees of Eskom Holdings and/or its subsidiaries? ☐ Yes ☐ No.

If Yes, please provide details of position held in Eskom by employee or relationship with Eskom Holdings employee and such shareholder/beneficiary's interest in your organisation:

SIGNATURE: _____ DATE: _____

DESIGNATION: _____

* Close family member means: person related by birth or marriage or similar relationship, including domestic partnership, adoption or a guardianship

KZN171	Authority to submit a tender	Tender Schedule T2.2a No.1
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Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company / organisation document which provides the same information for the relevant category as requested here.

A COMPANY	B PARTNERSHIP	C JOINT VENTURE	D SOLE PROPRIETOR	E TRUST

A. Certificate for company

I, _____, chairperson of the board of directors of _____, hereby confirm that by resolution of the board taken on ____ (date), Mr/Ms _____, acting in the capacity of _____, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

Signed

Date

Name

Position

Chairman of the Board of Directors

B. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as _____ hereby authorise Mr/Ms _____, acting in the capacity of _____, to sign all documents in connection with the tender offer for Contract _____ and any contract resulting from it on our behalf.

Name	Address	Signature	Date

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

KZN171	Declaration of Fair Tendering Practices	
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(TO BE PLACED ON THE *Tenderer's* LETTERHEAD)

TO: ESKOM HOLDINGS SOC LTD ("ESKOM")

**The design, manufacture, supply, construction,
installation and commissioning of 2x 3MVAR,
22kVShunt Capacitors and C-Type Filters at
Makhathini Substation in the Empangeni Area
of the KZN Operating Unit,
for a period of twenty-four (24) months.**

"We acknowledge that competitiveness is a requirement of the Eskom procurement process and that collusive tendering is prohibited by law. We confirm that we have not engaged in price fixing with any other tenderer or person, or in any way colluded with any other tenderer or person in connection with this Invitation to Tender

Signed	Date
Name	Position
<i>tenderer</i>	

KZN171	Confirmation of Receipt of Addenda to Tender Documents	
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We confirm that the following communications received from the <i>Employer</i> before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:		
	Date Received	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		

(Attach additional pages if more space is required)

Signed	Date
Name	Position
tenderer	

DECLARATION OF INSURANCES

I hereby declare that the insurance policies as required in terms of this Contract are in place and copies thereof will be made available if requested.

Signed thisday of 2025..... at
.....(*Place*)

(*Full name*)..... (*Signature*)on

behalf of (**Supplier/Contractor**)

CHECKLIST OF SHEQ POLICIES AND ANNEXURES TO BE READ AND UNDERSTOOD & SIGNED OFF BY THE CONTRACTOR

Informative

NO	DOCUMENT DESCRIPTION	UNQ IDENTIFIER	ACCEPTANCE
1	SECTION 37(2) AGREEMENT (2 PAGES)	37(2)	
2	SMOKING POLICY (5 PAGES)	32-36	
3	QUALITY MANAGEMENT PACK	QM58 & ITP	
4	ACCESS TO FARMS (7 PAGES)	41-340	
5	PROCEDURE FOR THE EFFECTIVE MANAGEMENT OF SHE RELATED INCIDENTS (94 PAGES)	32-95	
6	HEALTH AND SAFETY SPECIFICATION (31 PAGES)		
7	SHEQ POLICY (9 PAGES)	32-727	
8	SHE REQUIREMENTS TO BE MET BY PRINCIPAL CONTRACTORS (56 PAGES)	34-333	
9	DEVELOPING A SHE SPECIFICATION (96 PAGES)	32-524	
10	ESKOM CARDINAL RULES/LIFE SAVING RULES (8 PAGES)	32-421	
11	WORKING AT HEIGHTS (10 PAGES)	32-418	
12	VEHICLE AND DRIVER SAFETY MANAGEMENT (21 PAGES)	32-93	
13	ESKOM VEHICLE SAFETY SPECIFICATION (21 PAGES)	32-345	
14	HEALTH AND SAFETY PLAN (5 PAGES)	34-1787	
15	SHE SPECIFICATION FORM (56 PAGES)	74	
16	CONSTRUCTION SAFETY, HEALTH AND ENVIRONMENTAL MANAGEMENT	32-136	
17	ENVIRONMENTAL PROCEDURE – BUSH CLEARING	32-247	
18	DISTRIBUTION FIRE RISK MANAGEMENT	34-132	
19	IDENTIFYING, ANALYSING, DOCUMENTING AND OBSERVING TASKS	34-380	
20	LEGAL APPOINTMENTS AND AUTHORISATIONS	34-961	
21	EXPANDED PUBLIC WORKS REPORTS	34-1063	
22	PROVISION AND USE OF PERSONAL PROTECTIVE EQUIPMENT	34-1710	
23	SUPERVISION OF PEOPLE IN ELECTRONICALLY HAZARDOUS LOCATIONS	34-1954	
24	SHE REQUIREMENTS FOR COMMERCIAL PROCESS	32-726	
25	TRANSPORTATING PERSONS ON BACK OF VEHICLES	TOC-41-55	
26	ESKOM PROCEDURE ENVIRONMENTAL IMPACT ASSESSMENT FOR DISTRIBUTION ACTIVITIES	34-926 240-72597722	
27	SHE+ENVIRONMENTAL INTRODUCTION		
28	ESKOM'S WASTE MANAGEMENT PROCEDURE	EPC 32-245	
29	ESKOM RISK AUDITING SYSTEM CHECKLIST FOR CONTRACTORS	RAS – FEB 2014	
30	ENVIRONMENTAL MANAGEMENT OF TREES	KZN13TGTI141	
31	ENVIRONMENTAL LEGAL COMPLIANCE	TQTGS011	
32	DESD – PROCESS FOR KZN OU	TQTGP056	

ADDITIONAL LEGISLATION

Act 108 of 1996	Constitution of the Republic of South Africa
ACT 107 OF 1998	National Environmental Management Act
ACT 84 OF 1998	National Forest Act
ACT 73 OF 1989	Environment Conservation Act
ACT 25 OF 1999	National Heritage Resources Act
Act 36 Of 1998	National Water Act
Act 59 Of 2008	National Environmental Management: Waste Act
Act 43 of 1983	Conservation of Agricultural Resources Act
Act 36 of 1947	Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act
Act 105 of 1991	Game Theft Act
Act 101 of 1998	National Veld and Forest Fire Act
Act 57 of 1976	National Parks Act
Act 7 of 1998	National Roads Act
Act 21 of 1940	Advertising on Roads and Ribbon Development Act
Act 57 of 2003	National Environmental Management: Protected Areas Act
Act 39 of 2004	National Environmental Management: Air Quality Act
Act 10 of 2004	National Environmental Management: Biodiversity Act
Act 85 of 1993	Occupational Health and Safety Act
Act 31 of 1963	Fencing Act
	Provincial Ordinances
	Municipality Bylaws

I hereby acknowledge that I have read and understood all of the above-mentioned SHEQ Policies / Annexures, and they are applicable to this contract.

.....
CONTRACTOR'S NAME:

.....
CONTRACTOR'S SIGNATURE:

.....
DATE:

Requirements for Financial Evaluation of Companies

- Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:
 1. Whether the AFS were internally or externally prepared.
 2. Whether the company was owner managed or not owner managed.

The PIS does **NOT** apply to companies that have been **AUDITED**.

- Latest approved financial statements including comparative amounts.

AFS must be valid and not outdated, received within 18 months after year-end.

- A signed director's / member's report.
- Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above.

Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.

- Approved Annual Financial statements must comprise :
 - Statement of financial position (Balance Sheet)
 - Statement of comprehensive income (income statement)
 - Statement of changes in Equity
 - Statement of cash flows
 - Notes to the financial statements
- ITA 34C Income Tax Assessment for companies that have **NOT** been **AUDITED**. The **ITA-34C assessments must be provided for the current and previous financial years. The turnover amount shown in the income statement must correspond to the amount shown in the ITA-34C. Should the amounts not correspond, a financial analysis will not be performed.**
- The notes to the AFS specifically referring to **Accounts Receivable** and **Accounts Payable** must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.
- The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.
- Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.
- Name of Holding company if the company is a subsidiary company.
- Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.
- Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.

Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage.