

	Investment Recovery Offer to Purchase Template OLT2124894	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

INVITATION TO TENDER – PURCHASE, COLLECTION, CUT (IF NECESSARY) AND REMOVAL OF 20 MVA Trf 132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451 AT KLOOF SHAFT SUBSTATION, DISTRIBUTION, GAUTENG OPERATING UNIT.

Tender Enquiry Number	OLT2124894
Tender Issue date	28 November 2024
Tender Closing date and time	29 November 2024 at 09:00
Tender Validity	90 DAYS
Clarification meeting	NO COMPULSORY VIEWING REQUIRED
Tenders to be submitted to:	Informaltendering@eskom.co.za

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PURCHASE, CUT (IF NECESSARY), COLLECTION AND REMOVAL OF 20 MVA TR132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451 AT KLOOF SHAFT SUBSTATION, DISTRIBUTION, GAUTENG OPERATING UNIT.

ENQUIRY NUMBER: OLT2124894

TENDER CLOSING DATE: 29 NOVEMBER 2024 @ 09:00 AM

Issue Date:
28 NOVEMBER 2024

Ref:
OLT2124894

Enquiry:
Name: Lunga May
Tel: +27 71 167 7937
Email: Mayl@eskom.co.za

INVESTMENT RECOVERY SECTION

TENDER ENQUIRY No. – OLT2124894

Eskom is the owner of **20 MVA TRF 132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451**, located at KLOOF SHAFT Substation, Distribution, Gauteng Operating Unit.

You are kindly invited to submit an offer for **the purchase, cut (if necessary), collection and removal of 20 MVA TR132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451 at KLOOF SHAFT Substation** in the Gauteng Operating Unit on behalf of **ESKOM DISTRIBUTION** as detailed in the Scope of Work and attached OFFER TO PURCHASE.

1. INSPECTION AND VIEWING

There will be no viewing/clarification meeting for this contract. All enquiries must be directed to Lunga May on 071 167 7937 and Mayl@eskom.co.za for commercial information.

2. SUBMISSION OF THE “OFFER TO PURCHASE”

Your quotation, as submitted by you on the “Offer to Purchase” document shall be marked, **Offer to Purchase Confidential Enquiry No. OLT2124894** and submitted as follows :

2.1 By Email to : Eskom INFORMAL Tender Advice Centre –

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Informaltendering@eskom.co.za

Note: Tenders may ONLY be submitted at this address only.

Kindly note the following rules with respect to the TENDER system

- a. Please ensure that the email subject line only contains the OLT2124894. Enquiry number as per heading and no other information. Do not add any text to the subject line. Do not add any space in between the prefix and the enquiry number. Tenders may be faxed / emailed to this number and address only. Please do not send any confidential emails to this address as tender office staff do not have access to open confidential documents. This email address and fax number is confidential and only at tender close will the information be released and recorded.
- b. Ensure that all files submitted is in a PDF format.
- c. Ensure that the enquiry number is stipulated in the subject line on all e- mails if multiple emails are sent
- d. Maximum attachment size per email is 10MB. It is the supplier's obligation to ensure that the attachments per email do not exceed this limit.
- e. Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.
- f. All tender returnables/documentation must be submitted to Informaltendering@eskom.co.za only. E-mails to any other address (except for clarifications) will not be accepted. Failure to comply will these rules will result in your tender being disqualified.

Requests for Clarifications must be sent in writing to the respective asset disposal officer at Mayl@eskom.co.za and not to Informaltendering@eskom.co.za. All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within one (1) – two (2) working days before the tender closing deadline, depending on the enquiry duration and complexity.

The closing date is 09:00 AM on THURSDAY, 29 NOVEMBER 2024

ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!

NO LATE OFFERS WILL BE ACCEPTED!

3. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, (attached) noted in this letter and any amendments that accompany the TENDER ENQUIRY OLT2124894. The tenderer

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should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

- The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from www.eskom.co.za. 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.

4. TENDER RETURNABLES

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

NOTE:

Commercial Requirements	Mandatory for evaluation (If not submitted, you will be disqualified)
Offer to purchase form (price schedule attached and comments to price schedule)	✓
Second hand goods certificate from SAPS/Licensee	✓
SBD-4 FORM (attached)	✓
Valid original Tax Clearance Certificate / SARS Tax Pin Confirmation	✓
Declaration of fair bidding/ tendering (Annexure B attached)	✓
Declaration of interest (Annexure A attached)	✓
Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency (SANA approved)	✓
CSD registration doc (Valid & Current)	✓
CIPRO Registration Documents (Company Registration)	✓
Letter of good standing with COID or insurance body.	✓

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Tenders must be submitted strictly in accordance with the requirements stipulated above togetherwith the completed offer to purchase form. **SUBMIT YOUR TENDER IN 3 FILES.**

- **ALL COMMERCIAL RETURNABLES**
- **ALL SAFETY RETURNABLES**
- **ALL ENVIRONMENTAL RETURNABLES**

5. FINACIAL EVALUATION

The following criteria and their individual weight in % will be used for the evaluation of price.

Price evaluation criteria	Weights
Price Schedule	80%
BBBEE	20%
Total	100%

NOTE:

Eskom's commercial process will be followed and this process is dependent on the decisions made by the different Eskom Adjudicating authorities

6. SCOPE OF WORK

The scope of work will include the purchase, cut (if necessary), collection and removal of **20 MVA TR132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451** at **KLOOF SHAFT Substation** **within 3 days of tender award** and upon work instructions issued **against.**

Please not that the transformer tank is cracked and currently cannot be picked up with the lifting lugs or jacking lugs. An alternative is to remove the top cover and remove the active part, then after the tank can be lifted.

The purchaser will be responsible for the safe collection, handling, cutting, removal, loading and transportation of the **Used/Scrapped Transfomer /** material and to clean the site, qualified labour and suitable certified plant, machinery, equipment and transport for this purpose.

The purchaser must assure the site be left clean at completion of their collection and removal of the goods. A safety file will be required.

The goods on sale will be identified by Eskom.

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7. PRICE SCHEDULE

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap unit and you must factor your costs into your prices.

ItemNo.	DESCRIPTION	TOTAL PRICE OFFERED (EXCL. VAT)
1	20 MVA TR132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO: 30451 AT KLOOF SHAFT SUBSTATION	PLEASE SUBMIT PRICE OFFERED HERE:

NOTES

- Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- The successful tenderer will be required to obtain an Eskom permit, prior to commencement of work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- Any oil spills caused during the work programme will need to be rehabilitated by the successful tenderer.
- This is an open tender.
- A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract
- A bidder who has an open non-conformance that has not been closed, will be disqualified

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and not awarded a new contract.

- k. No accommodation will be allowed on site.

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8. ENVIROMENTAL REQUIREMENTS

In terms of the National Environmental Management Act, section 28 “Every person who causes has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring.

9. GUARANTEE / WARRANTY

Eskom Holdings SOC Limited gives no guarantee or warranty to the workability or condition of the equipment for sale, other than allow each tenderer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold “Voetstoots” and “AS IS”.

10. BREACH

Breach of a warranty and undertakings

Should a successful tenderer fail to pay amount due to Eskom as per collection request on the due date and fail to remedy such breach within 7 (seven) days, Eskom shall, without prejudice to any of its rights in terms of the Agreement, be entitled to terminate the Agreement without prejudice to its rights.

11. OFFERS

Offers received for this tender will be deemed valid for a period of **THREE (3) months (90 days)** from tender closing date.

Eskom reserves the right not to accept the lowest / highest or any tender / offer or withdraw any item it wishes to retain.

Only the successful tenderer will be notified.

12. VALUE ADDED TAX (VAT)

Value Added Tax Act no 89 Of 1991 and VAT invoices will be issued on request.

**DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX
IT IS A CONDITION OF TENDERERS THAT:**

- 12.1 It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- 12.2 The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 12.3 If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:
- 12.4 Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or
- 12.5 Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.

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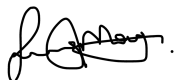
12.6 Each party to Consortium/Sub-contractor must complete a separate declaration.

The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

13. VARIATION

No variation or modification of the proposed agreement shall be in force, unless the same is confirmed in writing.

Yours Faithfully



Lunga May
Investment Recovery
Procurement & Supply Chain Management

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ENQUIRY NO: OLT2124894

CLOSING DATE: 29 NOVEMBER 2024 @ 09:00

CONTACT PERSON: LUNGA MAY

EMAIL: Informaltendering@eskom.co.za

Commercially required Returnable Documentation:

Your tender must be submitted strictly in accordance with the requirements stipulated in this section and section 4 TENDER RETURNABLES, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the “Offer to Purchase” to qualify for evaluation purposes.

NB! A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract.

A bidder who has an open non-conformance will be disqualified and not awarded a new contract

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LISTINGS

	INVESTMENT RECOVERY OFFER TO PURCHASE FORM INVITATION TO TENDER	OLT2124894
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ItemNo.	DESCRIPTION	TOTAL PRICE OFFERED (EXCL. VAT)
1	20 MVA TR132/6.6KV TRANSFORMER AND ITS COMPONENTS, SERIAL NO:30451 AT KLOOF SHAFT SUBSTATION	PLEASE SUBMIT PRICE OFFERED HERE:

NOTE : This contract is on an as and when required basis. The quantities cannot be verified upfront and work will be allocated on an estimation basis. All costs will be borne on the waste/scrap paper Dealer/Tenderer and you are required to PAY Eskom on actual quantity. Weigh Bridge Tickets must be submitted with every collection. You will be required to service Eskom from ESKOM ERI.

This tender proof the tenderer is fully aware of the condition of the tender and the price they have offered on the tender proofs their full intention and will to purchase the scrap “VOETSTOOTS” as is for their price as offered.

Please provide full and proper details according to the requirements below. Incomplete or unclear Tender Documentation will be rejected.

OFFER SUBMITTED BY – FULL NAME : _____

SIGNATURE : _____

DATE : _____ ID NUMBER : _____

E- MAIL : _____ CONTACT NUMBER : _____

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Who are legally authorized to provide this tender on behalf of:

FULL COMPANY NAME: _____

CSD REGISTRATION NUMBER : MAAA_____

BBBEE LEVEL CONTRIBUTOR : _____

CONTACT PERSON NAME: _____

EMAIL ADDRESS: _____

TELEPHONE NUMBER : _____

COMPANY PHYSICAL ADDRESS:

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

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Contact details of contact person:

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

ANNEXURE B

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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

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

1. either of them directly/indirectly controls the other, or the business of the other, as

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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”.

7. 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.

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/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If yes, attach proof to this declaration.

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2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	Is the <i>tenderer/s</i> (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. <i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the Audi alteram partem rule was applied].</i> The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the <i>tenderer/s</i> (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the <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?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s</i> (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 <i>tenderer/s</i> (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [Position] _____ hereby declare that I am the duly authorized representative of _____ [Name of Tenderer].

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

Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

Joint Ventures

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

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

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

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

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/Request for proposal).

ANNEXURE C: AUTHORITY TO SUBMIT A TENDER

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 or organisation document which provides the same information for the relevant category as requested here.

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

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:

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Name:	Position: (Chairman of the Board of Directors)
--------------	--

B. Certificate for close corporation

I,, member of, hereby confirm that by majority vote of the members 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: (Member)

C. 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.

D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, an authorised signatory of the company

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....., acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contractand any contract resulting from it on our behalf.

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

Furthermore, 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.

Name of firm	Address	Authorising signature, name and capacity

E. Certificate for sole proprietor

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

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

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ANNEXURE D: SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name).....in

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

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

- 3.1 I have read, and I understand the contents of this disclosure.
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

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

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

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Suitable Fire Fighting Equipment						

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Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					
Type of trucks					
Number of Trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: _____

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ANNEXURE H

SECTION 37(2) AGREEMENT

CONCLUDED BETWEEN

Eskom Holdings SOC Limited

AND

.....

(Name of contractor/supplier)

I,[(insert name of person representing contractor/supplier company)representing [insert name of contractor/supplier], do hereby acknowledge that[insert name of contractor/supplier] is an employer in his/her own right, with duties as prescribed in the Occupational Health and Safety Act No. 85 of 1993 ("the Act"), as amended, and agree to ensure that all work will be performed and/or machinery or plant used in accordance with the provisions of the Act.

I undertake that[insert name of contractor/supplier] shall strictly adhere to, and ensure that his/her employees adhere to, the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

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I have been provided with SHE specifications for project/service[insert brief details of project/service, for example, name, contract/project number] and will comply with the requirements set out in these.

I accept and agree that the SHE specifications constitute arrangements and procedures between (Insert name of contractor/supplier) and [insert name of subsidiary or Eskom Holdings SOC Limited] which will ensure compliance by [insert name of contractor/supplier] with the provisions of the Act, as contemplated in section 37(2) of the Act.

This agreement constitutes the sole agreement between the parties, and no variation, modification, or waiver of any of the provisions of this agreement or consent to any departure from these shall, in any manner, be of any force or effect, unless confirmed in writing and signed by both parties, and such variation, modification, waiver, or consent shall be effective only in the specific instance and for the specific purpose and to the extent for which it was made or given.

This agreement is signed on behalf of the parties, each signatory to this warranting that he/she has the requisite authority to do so.

Signed this day of 20 at

..... (Place)

(Full Name)..... (Signature)..... on behalf of.....(Contractor/supplier)

Contractor Responsible Manager (responsible for signing the contract on behalf of the contractor/supplier)

Witnesses

1.
2.

Signed this day of 20 at (Place)

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

behalf of [insert name of subsidiary or Eskom Holdings SOC Limited]
(Contracts and/or Project Manager or Representative)

Witnesses

1.
3.

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