

	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2025		

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Revision 1 Page 26 (Safety Criteria – 1 item added)
Page 28 (Quality Criteria – Item E.2 n/a)

ESKOM HOLDINGS SOC LTD KRIEL POWER STATION

INVITATION TO TENDER

FOR THE

SUPPLY AND DELIVERY OF BOILER SPARES (PIPES, PLATES, STRUCTURAL SUPPORT, BELLOWS) ON AN “AS-AND-WHEN” REQUIRED BASIS TO KRIEL POWER STATION FOR A PERIOD OF 5 YEARS

Tender number	MPKRI10875GX
Issue date	27 October 2023
Closing date and time	21 November 2023 at 10h00
Tender validity period	120 days from the closing date and time
TENDER CLARIFICATION MEETING	Date: Tuesday, 07 November 2023 Time: 09h00 Venue: MS TEAMS Send teams meeting request to BothaAB@eskom.co.za no later than 06.11.2023
Tenders are to be delivered to the following address on the stipulated closing date and time:	ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI, MPUMALANGA GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E

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INVITATION TO TENDER **(REVISION 1)**

Eskom Holdings SOC Ltd (hereinafter “Eskom”) inviting all entities to submit a tender for the supply and delivery of Boiler Spares (Pipes, Plates, Structural Support, Bellows) on an “as-and-when” required basis to Kriel Power Station for a period of five (5) years as per the NEC Supply Contract issued with this invitation tender number MPKRI10875GX.

Tender Closing: 21 November 2023 at 10h00

The tender was advertised on the Eskom Tender Bulletin (www.eskom.co.za) and National Treasury e-portal (www.etenders.gov.za) and documents to be obtained from these websites. The enquiry documents are free of charge. Take note that the tendering period starts on the day that the tender is published and expected that interested tenderers start preparing by reviewing the issued documents before the clarification meeting.

Note: *Revision 1 of the Invitation to Tender and Revision 1 of the NEC Supply Contract is the latest documents published and will apply to this tender. Refer to Addenda Form Nr 1 published with the revised documents for tender submission.*

The tenderer to note that Designated Material Local Content (Department of Trade and Industry) applies: 100% steel (plates, sheets) or DTI exempt letter.

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 issued with this tender. Queries relating to these Invitation documents may be addressed to the Eskom *Representative*.

Yours faithfully



B Sikhosana
Procurement Manager, Kriel Power Station

Date: 09.11.2023

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1.1 The following documents listed hereunder are attached and issued with this enquiry.

Number	Description	Reference	Attached
	COMMERCIAL & SDL&I		
1.1.1	Acknowledgement form	Annexure A	Yes
1.1.2	Acknowledgement Form: Reverse E-auctioning Training (240-143120319)	Annexure A.1	Yes
1.1.3	Definition of Reverse E-auctioning	Annexure A.2	Yes
1.1.4	Tenderer's particulars	Annexure B	Yes
1.1.5	Integrity Declaration Form	Annexure C	Yes
1.1.6	CPA Requirements for Local Goods/Services	Annexure D	Yes
1.1.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
1.1.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Yes
1.1.9	SBD 4 – Bidders Disclosure	Annexure I	Yes
1.1.10	Authority to Submit a Tender	Annexure L	Yes
1.1.11	Employment Equity confirmation		Yes
1.1.12	SBD 6.2- Declaration Certificate for Local Production and Local Content	Annexure F1	Yes
1.1.13	Annexure C-Local Content Declaration- Summary Schedule	Annexure F2	Yes
1.1.14	Annexure D – Imported Content Declaration – Supporting Schedule to Annexure C (F3)	Annexure F3	Yes
1.1.15	Annexure E – Local Content Declaration – Supporting Schedule to Annexure C (F4)	Annexure F4	Yes
1.1.16	Affidavit Example		Published
1.1.17	NEC Supply Contract, including clauses, conditions, price list and service information		Published
1.1.18	240-62044728 Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 10		Published
1.1.19	Code of Ethics 32-527		Published
1.1.20	Supplier Integrity Pact 240-113650212 Rev 2 June 2028		Published
1.1.21	e-Auction User Guide for Prospective Bidders		Published

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	SAFETY		
1.1.22	Safety Annexure B 240-77471499 'Rev 3 SHE Rules		Published
1.1.23	Safety Contractor Health & Safety Requirements 32-136		Published
	QUALITY		
1.1.24	Quality 240-126469599 Method Statement template Rev 6		Published
1.1.25	Quality 240-105658000 QM 58		Published
	WORK SCOPE DOCUMENT REFERENCE		
1.1.26	NDA on Eskom Plant	240-83539994	
1.1.27	Requirements for NDT Eskom Plant	240-83540088	
1.1.28	Engineering Drawing Standard Common Plant	240-86973501	
1.1.29	Procedure of HP Pipework and Boiler Tubing (Rev3) Material Standard in Generation Division	240-87733094	
1.1.30	High Energy Pipework Standard for Eskom Power Plants	240-56239129	
1.1.31	HP Seamless Piping Technical Specification		

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Annali Botha E-mail: annali.botha@eskom.co.za
1.3 Enquiry documents	The Invitation to tender is MPKRI10875GX See the content list above for the enquiry documents.
Communication	The Eskom Tender Bulletin and the National Treasury Website will be the primary medium of communication. It will be required from the tenderer to visit these sites regularly during the tendering period till closing date to ensure that the latest communication was noticed.
1.4 Type of Invitation to Tender	This invitation to tender is: An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	Multiple contracts might be awarded depending on the outcome of the e-auction process
1.7 Eskom's right to negotiate	Eskom reserves the right to enter into mandated negotiations with any one or more selected tenderer(s) in accordance with Eskom's approved procurement policies and procedures.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.

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	Tenderers are deemed ineligible to submit a <i>tender</i> if: 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium 3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this process, if: (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; 5. Tenders signed by non- authorized persons 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. A tenderer that sub-contracts 100% Scope of Work.
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	Ineligible tenderers will be disqualified.
2.2 -2.5 Tender Closing	The deadline for tender submission is: Date: Tuesday, 21 November 2023 Time: 10h00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI MPUMALANGA GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E
2.7 - 2.12 Submitting a Tender	○ Submit a complete original tender and mark clearly on the outside "ORIGINAL". ○ Submit one (1) complete hard copy of the original tender and mark clearly on the outside "COPY". ○ Ensure that the documents are bind properly. Do not submit loose pages. ○ It is recommended that the set of tender documents contain an Index List/List of Contents for ease of reference.
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified. The tender must be submitted in English. Tenders may not be written in pencil and must be completed in ink.
2.13 Tender Validity Period	The tender validity period is 120 days Eskom may request to extend the <i>validity period</i> for a specified additional period. A tenderer agreeing to the request will not be required or permitted to modify a tender.

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2.16 Site/clarification meetings	A tender clarification meeting per MS Teams with representatives of the <i>Employer</i> will take place as follows: Date: Tuesday, 07 November 2023 Time: 09h00 Venue: MS Teams Send request for electronic invitation per e-mail to BothaAB@eskom.co.za no later than 06.11.2023
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 3 (three) working days before the deadline for tender submission.
3.1 Response to clarifications	The responses will be published to all tenderers in the same manner the <i>enquiry documents</i> were issued and it is the tenderers responsibility to check the Eskom Tender Bulletin and NT e-Tender Portal regularly for updated responses to clarifications.
2.22 Alterations to documents	The issued documents to be used for completion and not a retyped version from the tenderer. Do not make any alterations or additions to the tender documents, other than for purposes of complying with instructions issued by the Eskom Representative or if necessary to correct errors made by the tenderer. All such alterations shall be initialed by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.
2.23 Alternative tenders	An alternative tender is allowed and may be based only on the following criteria and subject to acceptance by the Employer: • A different completion date • A different payment method • Different technical methods and specifications • A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Supply Contract

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2.25 Conditions of contract	The conditions of contract will be the NEC3 Supply Contract
2.34 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened on the same date as the tender deadline. Place: Witbank Tender Office Date: 21 November 2023 Time: After Tender Closing
3.5 Prices to be read out	No pricing will be read-out. No pricing to be submitted with the tender
3.9 Basic Compliance	Basic compliance for this invitation to tender are: ○ Meet the eligibility criteria for a tenderer ○ Submit a complete original tender with commercial, financial and technical information ○ Submit one (1) hard copy of the original tender to Eskom with commercial, financial and technical information (duplication of the original) ○ Central Supplier Database (CSD) registration
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required by deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive. Acceptance/responsiveness tender proceeds to be evaluated. Non-responsive/unacceptable tender will be disqualified. ❖ Functional Criteria: Mandatory requirement: <u>Technical Gatekeeper</u>

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	- A signed declaration form from manufacturer, confirming that all the requirements of material preservation specifications according to any EN Code (e.g. 10204:2004) and/or local accreditation body will be met. - A signed declaration letter stating that the contractor will always supply the Material with at a minimum, a 3.1 Material Certificate and 3.2 certificate (where applicable) Prequalification criteria in terms of the 2017 PPPFA Regulations: None Responsive tenders proceed to be evaluated. Non-responsiveness to basic compliance and mandatory documents, the tender will be disqualified.
3.13 Functional requirements	Functional requirements are applicable. The technical evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 80%. Tenderers who meet the minimum qualifying score will move onto the next stage of evaluation. Refer to the section for the Technical Functionality evaluation criteria
3.15 Evaluation of price	Prices will be evaluated as follows. 1. Exclusive of VAT 2. Making the specified correction for arithmetical errors 3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.

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	5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status the tenderer will score zero. The following documents are required to claim preference points: • Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit • Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown • Certified ID copies of shareholder(s) • Proof of Disability (where applicable)
3.18 Ranking of tenders	The following preference point systems are applicable to invitations to tender: - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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	After closing of the e-auction bidding process, the price evaluation will be ranked. Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tender prices are received with the e-auction process. A maximum of 80 or 90 points is allocated for price on the following basis: TABLE: PREFERENCE POINT SYSTEM <table><tr><th>Adjudication Criteria</th><th>Points</th></tr><tr><td>$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$</td><td>80</td></tr><tr><td>OR</td><td></td></tr><tr><td>$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$</td><td>90</td></tr></table> Where: Ps = Points scored for price of Bid under consideration Pt = Rand value of Bid under consideration Pmin = Rand value of lowest acceptable Bid Prequalification criteria in terms of the 2017 PPPFA Regulations: None Responsive tenders proceed to be evaluated. Non-responsiveness to basic compliance and mandatory documents, the tender will be disqualified TABLE 5: BBBEE LEVEL SCORE <table><tr><th>The specific goals allocated points in terms of this tender</th><th>Number of points allocated (90/10 system)</th><th>Number of points allocated (80/20 system)</th></tr><tr><td>1</td><td>10</td><td>20</td></tr><tr><td>2</td><td>9</td><td>18</td></tr><tr><td>3</td><td>6</td><td>14</td></tr><tr><td>4</td><td>5</td><td>12</td></tr><tr><td>5</td><td>4</td><td>8</td></tr><tr><td>6</td><td>3</td><td>6</td></tr></table>	Adjudication Criteria	Points	$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	80	OR		$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	90	The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	1	10	20	2	9	18	3	6	14	4	5	12	5	4	8	6	3	6
Adjudication Criteria	Points																													
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	80																													
OR																														
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1	10	20																												
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3	6	14																												
4	5	12																												
5	4	8																												
6	3	6																												

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	7	2	4				
	8	1	2				
	Non-compliant contributor	0	0				
	In the event that companies submitting a joint venture or a consortium, a consolidated BBBEE certificate from an accredited verification agency must be submitted. The responsive tenderer with the highest points will be awarded the contract.						
3.17 Evaluation of Specific Goals	Proof of compliance to the stipulated Specific goals applicable to JV tenders . Failure on the part of the supplier to submit “ proof of specific goals ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.						
3.19 Objective Criteria	<u>Designated material Local Content:</u> Designated material threshold of 100% local content OR Department of Trade and Industry Exempt Letter <table><tr><td>Material</td><td>Threshold %</td></tr><tr><td>Steel (Plates, Sheets)</td><td>100%</td></tr></table>			Material	Threshold %	Steel (Plates, Sheets)	100%
Material	Threshold %						
Steel (Plates, Sheets)	100%						
3.20 Reverse e-auction	Reverse e-auctioning means an electronic negotiation process that aims to achieve the most competitive prices for clearly-specified items. Reverse e-auctioning replaces the negotiation process wrt pricing, with an electronic negotiation process on price only, which provides the results of the tender process immediately. Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest-ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA.						

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	Reverse e-auction, when applicable, will only be considered once the normal procurement process has progressed to the point that the responsive tenderers have been identified. Tenderers will be trained on the reverse e-auction system. Responsive tenderers will receive login details in order to participate.
Contractual Requirements (if applicable)	Contractual Requirements may include the following: • Safety and Health • Quality • Local content (dti) Safety, Quality and Designated Sector local content will be contractual requirements, which implies that documents are expected to be submitted with the tender, however omitted documents from these categories may be requested from those who were found responsive in the SDL&I, Commercial and Technical evaluation areas within stipulated deadlines.
Contract Obligation	Corporate Social Investment
2.25 Contractual Condition	The conditions of contract will be the NEC Supply Contract .
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable.
Evaluation of Tenders	The evaluation will be conducted in terms of the Preferential Procurement Policy Framework Act ("PPPFA"). The evaluation process and criteria will be as follows: • Stage 1: Acceptance/Responsive Tender (Basic Compliance and Mandatory) • Stage 2: Technical Functionality Criteria • Stage 3: Reverse e-auction • Price and BBBEE (90/10) or (80/20) • Stage 4: Objective criteria (Local content) • Stage 4: Contractual requirements

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Please note:

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

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

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations.

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.

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

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act

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1.3 **TENDER RETURNABLES**

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

*** Returnable required at Tender closing (disqualifiable) –**

These returnables are required to be fully completed, signed and submitted with the tender at Tender closing date and time. If not fully completed, signed and/or submitted by tender closing the tender must be disqualified.

**** Returnable required at Tender closing. (Non-disqualifiable) –**

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

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

Note: A certified copy of a document is valid for 3 months from the date of certification.

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Reference	COMMERCIAL Returnable From Tenderer	Returnable required at Tender closing (disqualifiable) *	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	- One (1) hard copy of the tender - Central Supplier Database (CSD) registration	✓ ✓		
Annexure A	Acknowledgement Form		✓	
Annexure A.1	Reverse e- auction training Acknowledgement Form			✓
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services		✓	
Annexure G	SBD 1- to be completed and submitted by all tenderers (applicable for all suppliers including Foreign suppliers)			✓
Annexure I	SBD 4 – Bidders Disclosure		✓	
Authority Confirmation	Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)			✓
NEC Supply Contract	C1.2 Contract Data (Part Two – Data provided by the Contractor) Note: Contractor Price line to be left blank Do not submit pricing – reverse e-auction will be apply Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South			✓

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	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.			
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)			✓

Reference	SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION Returnable From Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Local Content	Form: Annexure C (Local Content Declaration Summary Schedule) (F2)			✓
	Form: SBD 6.2 Declaration Certificate Local Content Form (F1)			✓
	Annexure D – Imported Content Declaration – Supporting Schedule to Annexure C (F3)			✓
	Annexure E – Local Content Declaration – Supporting Schedule to Annexure C (F4)			✓

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Company Documents	CIPC Registration Documents		✓	
	Financial Statements Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓	
	ID copy of Member/s, Shareholder/s and/or Director/s		✓	
	Share Certificate/s		✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations (if not submitted by tender closing, zero score)			✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	Proof of compliance to the stipulated Specific goals.			✓
	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.			✓
# Specific Goals	Failure on the part of the supplier to submit “proof of specific goals” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking. Copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or			✓

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	• Certified copy of B-BBEE Sworn Affidavit for either EME or QSE.; or • Copy of B-BBEE Certificate issued by CIPC for EMEs' only. KEY NOTES OF DETERMINING VALIDITY OF B-BBEE SWORN AFFIDAVITS: Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity: • Name/s of deponent as they appear in the identity document and the identity number. • Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. (Mark the applicable option). • Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. • Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. (No blank spaces to be left). • Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. (Mark the applicable option). • Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. (Financial year end to be stipulated by day/month/year). • B-BBEE Status level. An enterprise can only have one status level. (Tick applicable level) • Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. • Date deponent signed and date of Commissioner of Oath must be the same. (The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp) • Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by			
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	law, commission a sworn affidavit in which they have an interest. For the tender being open to all entities the B-BBEE certificate/affidavit to be used for scoring purposes, if not submitted with the tender or not valid, the tenderer will score zero (0) and will not be disqualified. The following documents are required to claim preference points: - Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit - Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown - Certified ID copies of shareholder(s) - Proof of Disability (where applicable)			
--	--	--	--	--

CONTRACTUAL OBLIGATION (Negotiable)

CSI (Corporate Social Investment)	2% per invoice value
--	----------------------

Reference	FUNCTIONALITY CRITERIA	Returnables at tender closing. a) Technical Gatekeepers b) Scoring: Threshold 80%
	Returnable From Tenderer	

Reference	FUNCTIONALITY CRITERIA
A. MANDATORY	Both items to be provided to qualify for the qualitative evaluation
B. QUALITATIVE	The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 80%.

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A. MANDATORY TECHNICAL EVALUATION CRITERIA

Both items to be submitted at tender closing to qualify for the qualitative criteria

	Mandatory Technical Criteria Description	Motivation for use of Criteria
A1	A signed declaration form from manufacturer , confirming that all the requirements of material preservation specifications according to any EN Code (e.g. 10204:2004) and/or local accreditation body will be met.	To ensure knowledge and capacity of supplying the scoped material
A2	A signed declaration letter stating that the contractor will always supply the Material with at a minimum, a 3.1 Material Certificate and 3.2 certificate (where applicable)	To ensure quality material is supplied at all times

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B. QUALITATIVE TECHNICAL EVALUATION CRITERIA

Tenders will be expected to score at least the minimum threshold (80%) per functional area to proceed

		Functionality Criteria	Threshold	Total Weight
			80%	100%
B1	1.1	Letter of commitment/mention in the declaration form that all material will have a 3.1 inspection certification in accordance with EN 10204:2004 as required and shall be issued at the plant of manufacture, prior to dispatch to Eskom. ○ Stated in the Signed Commitment letter/declaration form (15/15) of (15%) ○ Not stated in the letter/form (0/15) of (15%)	15%	15%
B2	2.1	Manufacturer must prove compliance to any EN Code – ○ Provide proof (20/20) of (20%)	20%	50%
	2.2	Proof of compliance to the High Energy Pipework Standard: 240-56239129 (attached) ○ Proof of previously supplied similar material with a 3.1 Material Certificate (Orders (2x off) with certificates) (5/5) of (15%) ○ No valid proof submitted (0/5) of (15%)	15%	

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	2.3	A signed Declaration Form from Contractor ensuring Kriel Power Station of Compliance to the attached HP Piping Seamless Technical Specifications guideline in terms of tube delivery requirements – Batch (tag) labelling with all material specifications (attached). ○ A signed Declaration Form from Contractor = (5/5) of (5%) ○ Non-compliant/incomplete declaration – (0/5) of (5%)	5%	
	2.4	Provide proof of delivery notes historically signed by all parties (supplier and recipient) ○ 3x off or more (5/5) of (10%) ○ Only 2 x off (2/5) of (10%) ○ Less than 2 x off (0/5) of (10%)	10%	
B3	3.1	Does the supplier undertakes/mentions in the letter of commitment to provide all material as per the scope (Yes/No)? ○ Signed commitment letter (Company letter head) - Yes (5/5) of (10%)	10%	10%

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B4	4.1	Name, street and postal address, contact names and telephone numbers of the plant (site of manufacturing, inspection, testing, and release – if any activity is done at a different plant, it must be listed) where the material will be manufactured, must be supplied with the tender submission. Note that Eskom reserves the right to audit the facilities (or arrange for it by a third party). Under no circumstances can material be manufactured elsewhere without Eskom's written approval (10%). ○ List submitted (5/5) of (10%) ○ No submission (0/5) of (10%)	10%	10%
B5	5.1	Quality certification that the tenderer has been audited and authorised having a quality assurance system for material manufacture in accordance an ISO standard to produce/sell the material grades and dimension ranges tendered for (15%) ○ Both the ISO 9001 Valid Certification and Tenderer Signed QMS (5/5) of (15%) ○ Only one of the one (Certificate or Signed QMS) (2/5) of (15%) ○ No valid submission (0/5) of (15%)	15%	15%

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DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS

Contractual requirements are expected to be submitted with the tender for evaluation. Should it not be included in the tender it will be requested with stipulated deadlines and if not provided within given period the tender will be regarded as non-responsive.

Reference	SAFETY HEALTH REQUIREMENTS Returnable from Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award .
Annexure B	Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?			✓
Valid Letter of Good Standing (COIDA or equivalent)	The date of Expiry should not be later then the date of closing date for the tender			✓
SHE policy signed by CEO/ MD-	Comply to OHS Act Section 7 or OSHAS 18001			✓
Medical Certificate	Driver license and Medical Certificate of person that will do deliveries			✓

Reference	QUALITY REQUIREMENTS Returnable from Tenderer	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)	Returnable required prior to Contract Award.
Section A : <u>SELECT OPTION 1 OR 2</u>				
SECTION A : Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality	A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant			✓
	A.2 Certificate by Approved and Authorized certification authority			✓
	A.3 Certification Authority has Recognized International Accreditation			✓

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Management System by an ISO accredited body	A.4 Validity (expiry date) of certificate			✓
OR				
SECTION A : Quality Management System Requirements ISO 9001 (Option 2) Objective evidence of documented QMS that is not certified but complies with ISO 9001	A.1 QMS Manual or a document that defines and describes the QMS and its scope			✓
	A.2 Quality Policy Approved by top management.			✓
	A.3 Quality Objectives Approved by top management.			✓
	A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015			✓
	A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015			✓
	A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015			✓
	A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015			✓
SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)	B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)			✓
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)			✓
	B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. (Clause 9.2 of ISO 9001:2015)			✓
	B.4 Latest copy of a certification management system audit report not older than 12 months (with Nonconformity, Correction and/ or Corrective Action Reports)			✓

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	B.5 Records of Management Review meetings (minutes, attendance registers e.t.c)			✓
SECTION C: Contract Quality Plan Requirements (Ref QM-58 and 240-109253698).	- NB! Draft Contract/Project Quality Plan has important QA deliverables <i>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</i>			✓
SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & QM 58)	NB! Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done			✓
SECTION E: User defined additional Requirements & miscellaneous (Ref QM-58) Customer specific requirements & other standards and required can be listed and evaluated here	- E.1 Form A is completed and signed			✓
	- E.2 Add other requirements (if applicable) as per the scope of work and/ or specification	n/a	n/a	n/a

ANNEXURE A (Addenda / Cataloguing)

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

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

Invitation to Tender/Request for Proposal No: _MPKRI10875GX

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

Annexure A.1 Acknowledgement Form - Reverse E-auctioning Training	Document Identifier	240-143120319	Rev	1
	Effective Date	25 February 2022		
	Review Date	February 2027		

Annexure A.1 (E-auctioning Training)

Invitation to Tender/Request for Proposal No. MPKRI10875GX

Name of Company / JV	
Name of Contact Person	
Contact Person Details	Tel (landline):
	Cellphone:
	E-mail address

Acknowledgement:

I _____ (supplier name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on _____ at _____. I am satisfied with the training and I can confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

I _____ (supplier name) acknowledge that I have undergone self-training of the uploaded Reverse E-auction video and did not have to attend the clarification meeting for me to understand it. I am satisfied with my self-training and confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

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Signature: _____

Designation: _____

Date: _____

	Annexure A.2 Definition of Reverse E-auctioning	Template Identifier	240-143120329	Rev	1
		Effective Date	05 December 2018		
		Next Review Date	February 2026		
		Procurement & Supply Chain Management			

CLASSIFICATION	PUBLIC
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DATE	30 OCTOBER 2023
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FOR ATTENTION	THE TENDERER
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ACTION REQUIRED	READING
------------------------	---------

FROM	A BOTHA
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CONTACT NUMBER	BOTHAAB@ESKOM.CO.ZA
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SUBJECT	REVERSE E-AUCTIONING
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WHAT IS REVERSE E-AUCTIONING?

Reverse e-auctioning means an electronic negotiation process that aims to achieve the most competitive prices for clearly-specified items.

Reverse e-auctioning replaces the negotiation process, with an electronic negotiation process on price only, which provides the results of the tender process immediately.

Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest-ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA.

Reverse e-auction, when applicable, will only be considered once the normal procurement process has progressed to the point that the responsive tenderers have been identified.

Tenderers will be trained on the reverse e-auction system. Responsive tenderers will receive login details in order to participate.

ANNEXURE B

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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 (do not leave blank): (**ALL ENTITIES**)

Name of lead partner, <u>or</u>	
Member in case of JV	
CIPC Registration Number (for each individual company <u>or</u> JV member)	
VAT registration number (for each individual company or JV member)	
CIDB registration number (for each individual company <u>or</u> JV member if applicable)	
Shareholding information (for each individual company <u>or</u> 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)	<i>Include as separate tender returnable if required.</i>
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

If SUBCONTRACTORS are to be used, indicate the following for the main sub-contractor(s).

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Name of contractor	
CIPC Registration number	
VAT registration number	
CIDB Registration number (if applicable)	
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	

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) , provide your supplier registration number with Treasury			
3	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	If you are registered on SARS E-filing system, please provide your pin number in order to verify your tax compliant status			
6	If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing pin, please confirm that you	<table border="1"> <tr> <td>YES</td> <td></td> </tr> </table>	YES	
YES				

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	have attached / will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).	NO	

8	If SUB-CONTRACTING is prescribed in the specific enquiry, you need to compete 8.1- 8.9		
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. An EME or QSE;		
	b. An EME or QSE which is at least 51% owned by black people;		
	c. An EME or QSE which is at least 51% owned by black people who are youth;		
	d. An EME or QSE which is at least 51% owned by black people who are women;		
	e. An EME or QSE which is at least 51% owned by black people with disabilities;		
	f. An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;		
	g. A cooperative which is at least 51% owned by black people;		
	h. An EME or QSE which is at least 51% owned by black people who are military veterans; or		
	i. More than one of the categories referred to in		

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	paragraphs (a) to (h).		
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)

Signed:	Date:
Name:	Designation:

B. Joint Ventures

We, the undersigned, are submitting this tender in Joint Venture and hereby authorise

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Mr/Ms _____ (full names),

an authorised signatory of _____,

(insert the full legal name of the business entity serving as the lead partner)

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

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:-

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - 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”

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5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

If Yes, attach proof to this declaration _____

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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 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 authorised representative of _____
[Name of Tenderer].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in
_____ + _____

[Name of Tenderer]:

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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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:		Date
Designation and capacity in which signing		

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

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.

(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).

Signature:	
Designation and capacity in which signing	
Date:	

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However, it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

1. The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

6. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

7. BASE DATE

- a. In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- b. In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes

In this case, the following shall apply:

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- Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
- Where a high, low and mean are published:
The mean
- Where other prices than the Cash Settlement or Cash Sellers Price are published.
The Cash Settlement or Cash Sellers Price

c. Where applicable, these principles, must also apply for the CPA “cut-off” date.

8. CPA FOR PROFESSIONAL SERVICES

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

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed		Date	
Name		Position	
Tenderer			

Eskom proposal

Proportion	Table	Indices by
0.40	Table G1-(1) Engineering Materials	Seifsa
0.40	Table L5 (2) Transport	Seifsa
0.20	Non-adjustable	
1.00		

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Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI Final Manufactured Goods OR Intermediate Manufactured Goods OR SEIFSA Table U Producer Price Index (PPI - final manufactured Goods OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____ / _____ / _____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
Steel (Plates, Sheets)	100%

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

(Tick applicable box)

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

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- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

Annexure F2 - Local content Declaration-Summary Schedule (Annexure C)

Annexure F3 - Imports Declaration-Supporting schedule to Annex C (Annexure D)

Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (Annexure E)

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Annex E					SATS 1286.2011
Local Content Declaration - Supporting Schedule to Annex C					
(E1)	Tender No.				Note: VAT to be excluded from all calculations
(E2)	Tender description:				
(E3)	Designated products:				
(E4)	Tender Authority:				
(E5)	Tendering Entity name:				
	Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value	
		(E6)	(E7)	(E8)	
		(E9) Total local products (Goods, Services and Works)			R 0
(E10)	Manpower costs	(Tenderer's manpower cost)			R 0
(E11)	Factory overheads	(Rental, depreciation & amortisation, utility costs, consumables etc.)			R 0
(E12)	Administration overheads and mark-up	(Marketing, insurance, financing, interest etc.)			R 0
		(E13) Total local content			R 0
		This total must correspond with Annex C - C24			
	Signature of tenderer from Annex B				
	Date:				

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SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MPKRI10875GX	CLOSING DATE:		CLOSING TIME:	10h00
DESCRIPTION	Supply and delivery of Boiler Spares (Pipes, Plates, Structural support, Bellows) on an "as-and-when" required basis to Kriel Power Station for a period of five (5) years				
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 :					
ESKOM TENDER BOX, GROUND FLOOR, NO. 10 SMUTS AVENUE, WITBANK / EMALAHLENI, MPUMALANGA					
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]		☐ Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes
		☐ No			☐ 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		☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		☐	A REGISTERED AUDITOR NAME:		
[A VALID 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?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ 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.
--

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1.6.	
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.
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.

SIGNATURE OF BIDDER	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Proof of authority must be submitted e.g. company resolution / letter of authority to submit this tender)	
DATE:	

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ANNEXURE H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

To be completed by the organ of state

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

Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS	
PRICE	80	90
SPECIFIC GOALS	20	10
Total points for Price and SPECIFIC GOALS	100	100

Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

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preference points for specific goals are not claimed.

The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 \\
 Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) & \text{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number:
3. TYPE OF COMPANY/ FIRM
 - ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company

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[TICK APPLICABLE BOX]

4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- 1.1 The information furnished is true and correct;
 - 1.2 The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - 1.3 In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - 1.4 If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - 1.4.1 disqualify the person from the tendering process;
 - 1.4.2 recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - 1.4.3 cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - 1.4.4 recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - 1.4.5 forward the matter for criminal prosecution, if deemed necessary.

SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

- 1.1 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:

.....

.....

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

2.3.1 If so, furnish particulars:

.....

3. DECLARATION

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

- 1.1 I have read and I understand the contents of this disclosure;
- 1.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.

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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- 1.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, 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:

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CONFIRMATION OF EMPLOYMENT EQUITY

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)

	<i>(indicate with a tick)</i>	
Are you currently employing more than 50 employees?	Yes	No

If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed _____ Date _____

Name _____ Position _____

tenderer _____

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	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
		Effective Date	01 November 2012		
		Review Date	May 2024		

INDICATE THE STATUS OF THE *TENDERER* BY TICKING THE APPROPRIATE BOX HEREUNDER.

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

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. 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)

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	Annexure L – Authority to Submit a Tender (returnable schedule) Template	Document Identifier	240-59384675	Rev	1
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		Review Date	May 2024		

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.

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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, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract and 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
Lead partner		

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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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SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALISATION UNDERTAKING

It is proposed for tenderers to make undertakings to advance designated groups through local content, subcontracting and skills development commitments relevant to this tender MPKRI10875GX. It is preferred that this form be completed to indicate your acceptance/proposal.

Eskom reserves the right to negotiate with the tenderer on these requirements and will become a contractual obligation.

The contractor will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

SDL&I Penalty (contractual obligation)

- Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.
- For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.
- Alternatively the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations

SDL&I Reporting & Monitoring (contractual obligation)

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

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a) DESIGNATED MATERIAL LOCAL CONTENT

Threshold for local manufacturing:

<i>Material</i>	<i>Threshold %</i>	<i>Designated compliant or dti exempt letter</i>
Steel (Plates, Sheets)	100%	

b) CORPORATE SOCIAL INVESTMENT (CSI)

It is expected for the tenderer to participate in a contribution to the Kriel area local community initiative per invoice value.

Criteria	Eskom Target	Tenderer acceptance
CSI	2% per invoice value	

No money will be exchanged. In co-operation with the relevant Kriel Committee, the contractor will be approached to contribute the CSI value at the time towards a project on the identified list. The contractor will be directly involved.

Name & Signature:	Date:
	Designation:
Name of tendering company:	

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DEPARTMENT OF TRADE AND INDUSTRY FOR LOCAL CONTENT GUIDANCE

The forms are separate documents and not included in the invitation document

Declaration Form D	Complete 1st	To be kept by tenderer for verification purposes for 5 years	Keep on record
Declaration Form E	Complete 2nd		
Annexure C Declaration Certificate Local Content Summary (F2)	Consolidate the above Form D & E information on this form	Submit with tender at tender closing	Submit with tender
Form SBD 6.2 Declaration Certificate Local Content Form (F1)	Complete	Submit with tender at tender closing	
The successful bidder is required to continuously update Declarations C, D and E with the actual values of the expenditure for the duration of the contract.			

Dti Exempt letter	It will only be required to submit exemption from dti where the mentioned Steel is not meeting 100% local content	Submit with tender at tender closing IF APPLICABLE	If product(s) is 100% local content there is no need to apply and submit
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