# ESKOM HOLDINGS SOC LTD

## INVITATION TO TENDER

## FOR

## THE MANUFACTURE, SUPPLY, DELIVERY, OFF-LOADING AND COMMISSIONING OF LIQUIFIED PETROLEUM GAS (LPG), INDUSTRIAL, MEDICAL SPECIAL GASES, AND PROVISION OF RELATED MAINTENANCE REFURBISHMENT OF RELEVANT GAS SYSTEMS, AT VARIOUS ESKOM GENERATION SITES ON "AN AS AND WHEN REQUIRED BASIS" FOR A PERIOD OF FIVE (5) YEARS

| | |
|---|---|
| **Tender number** | **MWP2448GX** |
| **Issue date** | **18 November 2024** |
| **Closing date and time** | **13 December 2024 at 10h00** |
| **Tender validity period** | **40 weeks from the closing date and time** |
| **Clarification meeting** | **Non-compulsory clarification meeting/s will be held as follows:**<br><br>*Date: 25 November 2024*<br>*Venue: Via Ms Teams*<br>*Time: 10h00*<br><br>**Join the meeting now**<br>Meeting ID: 385 074 680 404<br>Passcode: ru7UR7p3<br><br>**Dial in by phone**<br>+27 21 834 0825,,158951526# South Africa, Cape Town<br>Find a local number<br>Phone conference ID: 158 951 526# |


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| | ***A site meeting will be held as follows:***<br><br>*Date: 26 November 2024*<br>*Venue: Lethabo Power station*<br>*Time: 10h00* |
| **Tenders are to be delivered to the following address by the stipulated closing date and time** | **Eskom Megawatt Park Tender Office**<br>**Northside (Retail Centre)**<br>**Maxwell Drive**<br>**Sunninghill** |

**Invitation to Tender**

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* *for the "manufacture, supply, delivery, off-loading and commissioning of Liquefied Petroleum Gas (LPG), industrial, medical special gases, and provision of related maintenance refurbishment of relevant gas systems, at various Eskom Generation sites on "an as and when required basis" for a period of five (5) years*".

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

1. Free of charge

Eskom has delegated the management of this enquiry to the Eskom Representative whose name and contact details are set out in the Tender Data. The submission of a tender by you in response to this enquiry will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at www.eskom.co.za.

All queries and clarifications relating to the enquiry documents must be addressed in writing to the Eskom Representative. No query or clarification may be addressed to any Eskom official other than the Eskom Representative.

Yours faithfully

Procurement Manager/Commodity manager

(Full name and Designation)

Date: 18 November 2024


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## 1.1 Annexures to the Tender

The documents listed in this paragraph are attached to this enquiry.

| Number | Description | Annexure | Attached (Y / N / N/A) |
|---|---|---|---|
| 1.1.1 | *Authorisation Form | Annexure A | Y |
| 1.1.2 | *Acknowledgement form | Annexure B | Y |
| 1.1.3 | *Tenderer's particulars | Annexure C | Y |
| 1.1.4 | *Integrity Declaration Form<br>(refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read) | Annexure D | Y |
| 1.1.5 | *CPA Requirements for Local Goods/Services | Annexure E | Y |
| 1.1.6 | *CPA(IG) for Foreign Goods/Services (if applicable) | Annexure F | Y |
| 1.1.7 | SBD 6.2 Declaration Certificate for Local Production and Local Content<br>**(only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures F1 to F4 as evidence of compliance with this requirement).**<br><br>Annexure C Local Content Declaration- Summary Schedule<br><br>Annexure D Imported Content Declaration – Supporting Schedule to Annexure C<br><br>Annexure E Local Content Declaration- Supporting Schedule to Annexure C | Annexure G1<br><br>Annexure G2<br><br>Annexure G3<br><br>Annexure G4 | N/A<br><br>N/A<br><br>N/A<br><br>N/A |
| 1.1.8 | *SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline | Annexure H | Y |
| 1.1.9 | *SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations | Annexure I | Y |
| 1.1.10 | *SBD 4 – Bidders Disclosure | Annexure J | Y |
| 1.1.11 | Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | | N/A |
| 1.1.12 | Reverse e-auction training acknowledgement form (if applicable) | | N/A |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | | | |
|---|---|---|---|
| 1.1.13 | Reverse e-auction process (if applicable) | ***Reverse E-auction Process Template - Content Suite Platform CE 21.3 (eskom.co.za)*** | N/A |
| 1.1.14 | CIDB Contract Skills Development Goals (CSDG) (if applicable) | N/A | N/A |
| 1.1.15 | Contract Participation Goals (CPG) (if applicable) | N/A | N/A |
| 1.1.16 | Standard Conditions of tender | Annexure K | Y |
| 1.1.17 | Technical specification | Annexure L | Y |
| 1.1.18 | NEC 3 Term Service Contract (To be attached) | Annexure M | Y |
| 1.1.19 | Pricing Schedule | Annexure N | Y |
| 1.1.20 | Quality Requirements | Annexure:<br>O1, O2, O3, O4, O5 | Y |
| 1.1.21 | Occupational Health and Safety (OHS) Requirements | Annexure P1, P12, P3, P4, | Y |
| 1.1.22 | Environmental Requirements | Annexure Q1 & Q2 | Y |
| 1.1.23 | Non-Disclosure Agreement (NDA) | Annexure R | Y |

## 1.2. Tender Data

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

| Clause Number from Standard Conditions of Tender | Tender Data |
|---|---|
| 1.1 Parties | The *Employer* is **Eskom Holdings SOC Ltd**<br><br>The Eskom *Representative* is:<br>Name: **Joyce Matlala**<br>Tel: **011 651 6802**<br>E-mail: **MatlalJN@eskom.co.za** |
| 1.3 Enquiry documents | The Invitation to tender number is: **MWP2448GX**<br><br>See the content list above for the enquiry documents. |
| 1.4 Type of enquiry | This enquiry is:<br>1. An open invitation to tender |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| 1.6 Eskom's rights to accept or reject any tender | The tender shall be for the ***whole*** of the contract. |
| 2.1 Eligibility | Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.<br><br>**<u>Tenderers are ineligible to submit a tender if:</u>**<br>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found 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.<br>2. Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.<br>3. Tenders submitted by a joint venture 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.<br>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:<br>(a) they have a controlling partner or majority shareholder in common; or<br>(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 of another tenderer, or to influence the decisions of the Employer regarding this bidding process;<br>**5.** Tenders signed by non- authorised persons.<br>**6**. Any tenderer that is restricted by National Treasury.<br>**7**. Any tenderer on the Tender Defaulters list.<br>**8.** A tenderer that sub-contracts 100% of the Scope of Work.<br><br>**Eskom will disqualify tenderers that are found not to have met the eligibility criteria.** |
| 2.2 -2.5 Tender Closing | The deadline for **Tender** submission is:<br><br>Date: **13 December 2024**<br>Time: **10h00**<br>**Late Tenders will not be accepted** |


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| | Tenders are to be submitted to the Eskom *tender box* at the following physical address:<br><br>**THE TENDER OFFICE**<br><br>**Eskom Megawatt Park Tender Office**<br>**Northside (Retail Centre)**<br>**Maxwell Drive**<br>**Sunninghill** |
| 2.9 Submitting a tender -Original tender and copy | 1. The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline (13 December 2024 @ 10h00).<br><br>**If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.**<br><br>2. One (1) additional complete **soft copy** of the original tender is required in electronic format (USB).<br><br>NB: Non-submission of an electronic format will not result in disqualification; however it is urged that tenderers also submit this. |
| 2.12 Tender Validity Period | The tender validity period is **40** weeks: |
| 2.15 Site visit and/or clarification meeting | A ***non-compulsory clarification meeting*** with representatives of Eskom will take place as follows:<br><br>**Date: 25 November 2024**<br>**Time: 10h00**<br>**Venue: Microsoft Teams**<br><br>A ***non-compulsory site meeting*** with representatives of Eskom will take place as follows:<br><br>**Date: 26 November 2024**<br>**Time: 10h00**<br>**Venue: Lethabo Power Station**<br><br>• Tenderers must confirm their intention to attend the site meeting with the Eskom Representative by no later than **21 November 2024,** stating and submitting their information as follows:<br>• Full name<br>• Contact details |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| | • Identity number (ID)<br>• Vehicle make and registration number and<br>• Contact details of each proposed attendee |
| 2.16 Seeking clarification | The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is ***five (5)*** working days before the deadline for tender submission. |
| 2.22 Alternative tenders | Alternative tenders are *allowed*.<br><br>If alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by Eskom*:*<br>1. A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC3 Term Service Contract . |
| 2.32 Cataloguing | Not applicable |
| 2.33 Provision of Security for Performance | Security for performance is not required at this stage. Should it be required at any stage of the tender process, the forms of security required will be specified. |
| 3.4 Tender Opening | Tenders will be opened at the same date and time as the tender deadline.<br><br>**Tenders will be opened on:**<br><br>**Place: Megawatt Park Tender Advice Centre**<br>**Date: 13 December 2024**<br>**Time: 10h00** |
| 3.5 Prices to be read out or not | Prices will ***not be read out***. |
| 3.9 Basic Compliance | Basic compliance with this enquiry requires a tenderer to meet all the following requirements:<br><br>1. Meet the eligibility criteria;<br>2. Submit a complete original tender with commercial, financial and technical information;<br>3. Submit the original tender in paper form, plus a copy of the original, also in paper form; and<br>4. Submit the mandatory commercial tender returnables at the stipulated deadlines. |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| 3.10 Mandatory tender returnables | A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines stipulated in the Tender Returnable section will be deemed non-responsive. Refer to section " ***Tender returnables***" |
| 3.12 Functionality requirements | Functionality requirements ***ARE APPLICABLE*** and stipulated in this tender document under" Technical/Functionality requirements"<br><br>Tenderers who do not meet the threshold (80%) for functionality scoring will be disqualified. |
| 3.14 Evaluation of Price | Prices will be evaluated as follows:<br><br>1. Inclusive of VAT;<br>2. Corrected for arithmetical errors;<br>3. Excluding contingencies in any bill of quantities or activity schedule'<br>4. Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and<br>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.<br>6. Unconditional discounts will be taken into account for evaluation purposes.<br>7. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected.<br><br>Prices will be scored out of ***80 or 90*** points |
| 3.16 Evaluation of Specific Goals | Specific goals will be scored out of ***[20 or 10]*** points in accordance with the PPPFA.<br>If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified. However, it will be awarded 0 points for that Specific Goal. |
| 3.17 Ranking of tenders | Tenderers will be ranked by applying the preferential point scoring for the [***90/10 or 80/20***] system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.<br><br>• *90/10 for tender with a rand value above R50 million*<br>• *80/20 for tender with a rand value below R50 million* |
| 3.18 Objective Criteria (if applicable) | Objective criteria are *not applicable* |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| | |
| 3.19 Reverse e-auction (if applicable) | Reverse e-auction is not applicable. |
| Contractual Requirements | <u>Mandatory Contractual Requirements that **must** be included in all tenders is the following:-</u><br>• Proof of CSD registration<br>• SHEQ requirements; and/or<br>• Financial viability (submission of financial statements);<br><br>Contractual Requirements are not evaluation criteria. They will be assessed after the evaluation and ranking of the tenders. Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award.<br><br>Failure to meet stipulated Contractual Requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award. |
| 3.22 Sign form of Agreement/ Contractual Conditions | The conditions of contract will be the NEC3 Term Service Contract (TSC3) |
| 2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts) | CIDB Requirements are ***not applicable*** |

**<u>Please note:</u>**

**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 should the tendered prices not be market-related.**

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

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

**"proof of B-BBEE status level of contributor" means-**

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

## 1.2 TENDER RETURNABLES

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

**NOTE THE FOLLOWING: -**

*** Returnables required at Tender closing (disqualifiable): -**

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

**** Returnable required at Tender closing (non-disqualifiable): -**

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.

**# Returnables required at Tender Closing date and time for evaluation: -**

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| Reference | Returnable From Suppliers | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|---|---|---|---|---|
| **Basic Compliance** | Original tender plus one copy, both in paper form | √ | | |
| **Annexure A** | Authorisation Form | | √ | |
| **Annexure B** | Acknowledgement Form | | √ | |
| **Annexure C** | Tenderers Particulars | | √ | |
| **Annexure D** | Integrity Pact Declaration form | | √ | |
| **Annexure E** | CPA for local goods/services (if applicable) | √ | | |
| **Annexure F** | CPA(IG) for imported goods/services (if applicable) | √ | | |
| **Annexure G1-G4** | SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4 | Not applicable | | |
| **Annexure H** (applicable for all suppliers including Foreign suppliers) | SBD 1- to be completed and submitted by all tenderers. | | | √ |
| **# Annexure I** | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations | | √ | |
| **Annexure J** | SBD 4 – Bidders Disclosure | | √ | |
| Reverse e-auction training acknowledgement form **(if applicable)** | | Not applicable | | |
| **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. | | √ | |
| | Details and confirmation of a single designated bank account in the name of the JV and | | | √ |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | | | | |
|---|---|---|---|---|
| | independent of the individual JV partners, as set out in the joint venture agreement. | | | |
| **# Specific Goals** | A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking. | | | |
| **Tax Clearance Certificates** | A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).<br>Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required. | | | √ |
| **Tax Evaluation Questionnaire (if services contract and was included as annexure)** | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | Not applicable | | |
| **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) | | | √ |
| **CIDB (where applicable)** | Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer | Not applicable | | |
| **NEC or other Contract** | NEC or other Contract, ***completed in full.*** | √ | | |
| **Pricing schedule** | ***Completed pricing schedule*** (if not already submitted in the NEC or other Contract). | √ | | |
| **Additional documents required (ECSA/ SACPCMP/CVs/** | | √ | | |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | | | | |
|---|---|---|---|---|
| **permits/licenses/ specific registration documents (if applicable to scope of work)** | | | | |
| | **MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE** | | | |
| **Mandatory Contractual Requirement** | • Proof of valid and current CSD Registration (CSD number/CSD Report)<br>• SHEQ<br>• Due diligence (Financial analysis) | | | √ |
| | **ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE** | | | |
| **Safety** | Documents required as per OHS requirements and returnables ***(refer to contractual requirements number D.1 under additional information in this document)***<br><br>COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only) | | | √ |
| **Quality** | Documents required as per Quality requirements and returnables ***(refer to contractual requirements number D.3 under additional information in this document)*** | | | √ |
| **Other safety/quality documents as required per scope of works** | Documents that may be required per scope of work | | | √ |
| **Environmental** | Documents required as per Environmental requirements and returnables ***(refer to contractual requirements number D.2 under additional information in this document)*** | | | √ |
| **Due Diligence/financial analysis** | Latest & approved annual financial statements.<br><br>Tenderers must note that in a 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 are required.<br><br>Public Interest Score & ITA34C (Tax return) for the same accounting period as the annual financial statements (only applicable to South African | | | √ |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | | | | |
|---|---|---|---|---|
| | Organizations that are not required to audited by Companies Act 71 of 2008). | | | |
| | **DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA** | | | |
| Functionality/Technical *[required for evaluation /scoring]* | Refer to ***functionality requirements number C under additional information in this document*** | √ | | |

**ADDITIONAL INFORMATION:**

***A. SCOPE OF WORK:***

- *The manufacture, supply, delivery, off-loading and commissioning of Liquefied Petroleum Gas (LPG), industrial, medical special gases, and provision of related maintenance refurbishment of relevant gas systems, at various Eskom Generation sites on "an as and when required basis" for a period of five (5) years, starting 01 May 2025.*
- *Tenderer to refer to the attached Annexure L "Specification* for industrial gases for various Eskom sites" and attached C31 TSC3 Employers Service Information for additional information.

***Tenderer to note: Bulk LPG Storage tanks:***

- *Eskom has LPG Bulk storage tanks installed in eight (8) of its power stations as follows:*

  1. *Duvha Power Station*
  2. *Kendal Power Station*
  3. *Lethabo Power Station*
  4. *Matimba Power Station*
  5. *Matla Power Station*
  6. *Tutuka Power Station*
  7. *Medupi Power Station*
  8. *Kusile Power Station*

- *These bulk LPG storage tanks are not classified as Eskom's asset and belong to the current (Eskom contracted) supplier. The supplier to be appointed may take ownership of these tanks from the current supplier and Eskom will continue to pay rental of these tanks.*

- *During contract handover there may be some LPG in the storage tanks and therefore the appointed supplier may have to inherit these tanks from the current supplier. Proper hand over and documentation process must be followed to ensure compliance to regulations. During this*

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

*period the stations may be supported by LPG cylinders to sustain operations until the handover process is complete.*

- *Eskom is evaluating an option to purchase this equipment (Bulk storage LPG tanks), and if a decision is reached to purchase and own these, the appointed supplier will be informed and a request for quotation will be issued to this supplier and a once off purchase order will be placed to facilitate transfer of ownership to Eskom. Until such is concluded the rental of the bulk tanks will be paid by Eskom.*

## *B. EVALUATION STAGES:*

| | |
|---|---|
| Step 1 | Basic compliance |
| Step 2 | Functionality/ Technical evaluation |
| Step 3 | Pricing and Specific goals scoring |
| Step 4 | Contractual requirements |

*Table 1: Summary evaluation*

Contract award:

The award of contract/s will be as follows:

i. Award one (1) contract for the "manufacture, supply, delivery, off-loading of industrial, medical, special gases at various Eskom Generation sites on "an as and when required basis" for a period of five (5) years commencing on 01 May 2025 and expiring on 31 April 2030 and

ii. Award one (1) contract for the "supply, delivery, off-loading and commissioning of Liquefied Petroleum Gas (LPG), and provision of related maintenance refurbishment of relevant gas systems, at various Eskom Generation sites on "an as and when required basis" for a period of five (5) years commencing on 01 May 2025 and expiring on 31 April 2030;

Note: Eskom reserves a right to award both scope of work i) and ii) to one service provider where same service provider has ranked the highest on both scope of work.

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## C. *FUNCTIONALITY REQUIREMENTS:*

The following two phase (Mandatory & Qualitative) criteria will be applicable for this transaction under functionality:

### i. Mandatory criteria will be applicable as follows:

| | Mandatory Technical Criteria Description | Reference to Technical Specification / Tender Returnable | Motivation for use of Criteria |
|---|---|---|---|
| 1 | Compliance to the National Road Traffic Act, 1996 as amended with respect to the to the Transportation of Dangerous Goods and Substances by Road | Contractor's procedure(s) used for compliance to the Act. The procedure(s) must deal with Consignor's certification, training of personnel and vehicle compliance. | Legal requirement |
| 2 | Cylinder management | Letter confirming that the Contractor will provide a web-based reporting tool which will incorporate the tracking of Multi Cylinder Packs and individual cylinders not part of a Multi Cylinder Pack. | Required for cost control. |

*Table 2: Mandatory criteria*

### ii. Qualitative Criteria:

| # | Criteria | Criteria Weighting | 0 | 2 | 4 | 5 |
|---|---|---|---|---|---|---|
| 1 | Transportation and delivery of LPG (bulk and bottles) | 10% | | | | |
| | • Previous experience (years) | 5% | 0 | <2 (yrs) | 2-5 (yrs) | >5 (yrs) |
| | • Average distance of delivery network to specified power stations (km) | 5% | 0 | >100 (km) | 25-100 (km) | <25 (km) |
| 2 | Production and supply of LPG | 30% | | | | |
| | • Previous experience to produce and package gases (years). | | 0 | <5 | 5-10 | >10 |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| # | Criteria | Criteria Weighting | 0 | 2 | 4 | 5 |
|---|---|---|---|---|---|---|
| 3 | Supply and installation of bulk LPG storage vessels (>5 m3)<br>• Experience in supply and installation of bulk gas storage vessels (years).<br>• Experience in operating and maintenance of bulk gas storage vessels at client premisses (years). | 50%<br>20%<br>30% | 0<br>0 | <2 (yrs)<br><5 (yrs) | 2-5 (yrs)<br>5-10 (yrs) | >5 (yrs)<br>>10 (yrs) |
| 5 | Number of deviations not identified on the deviation schedule.<br>A score of 0 will be given if no deviation schedule is submitted. | 10% | >5 | 3-5 | 1-2 | 0 |
| | Threshold | 80% | | | | |

*Table 3: Qualitative criteria A ( LPG only)*

| # | Criteria | Criteria Weighting | 0 | 2 | 4 | 5 |
|---|---|---|---|---|---|---|
| 1 | Transportation and delivery of industrial gasses excluding LPG (bottles)<br>• Previous experience (years)<br>• Average distance of delivery network to specified power stations (km) | 10%<br>5%<br>5% | 0<br>0 | <2 (yrs)<br>>100 (km) | 2-5 (yrs)<br>25-100 (km) | >5 (yrs)<br><25 (km) |
| 2 | Production and supply of industrial gasses excluding LPG<br>• Previous experience to produce and package gases (years). | 30% | 0 | <5 | 5-10 | >10 |
| 4 | Conformance to requirements specified in the SAP Material Master Data.<br>The tenderer must supply a MSDS for each SAP Material number and a deviation schedule. Deviation which does not restrict the use of | 50% | 0% | 40% | 90% | 100% |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| # | Criteria | Criteria Weighting | 0 | 2 | 4 | 5 |
|---|---|---|---|---|---|---|
| | the gas will not be considered as a non-conformance.<br><br>A fraction of a number will be given by linear interpolation. | | | | | |
| 5 | Number of deviations not identified on the deviation schedule.<br><br>A score of 0 will be given if no deviation schedule is submitted. | 10% | >5 | 3-5 | 1-2 | 0 |
| | Threshold | 80% | | | | |

*Table 4: Qualitative evaluation criteria B (Industrial gases excluding LPG)*

Tender returnables:

1. Document detailing the tenderer's experience in the transportation and delivery of industrial gasses (Bulk and bottles).
2. Addresses of the point in the tenderer's delivery network which he intends to use. The tenderer must indicate the closest point to each site and the distance to that site.
3. Document detailing the tenderer's experience in the production and packaging of industrial gasses.
4. Document detailing the tenderer's experience in the supply and installation of bulk gas storage vessels.
5. Document detailing the tenderer's experience in the operating and maintenance of bulk gas storage vessels at client premises.
6. MSDS for each SAP Material number.
7. Deviation schedule

Tenders which do not meet the overall threshold will not be evaluated further.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## D. *CONTRACTUAL REQUIREMENTS* (SHEQ, FINANCIAL ANALYSIS AND SDL&I)

### *D.1 OCCUPATIONAL HEALTH AND SAFETY (OHS):*

| Ref. | OHS Tender Returnable |
|---|---|
| 1 | **Annexure B**<br>Acknowledgement of **Eskom's OHS** legal and other requirements form signed and submitted by the tenderer. |
| 2 | **Health and Safety Plan** (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)<br>• The plan is to include Vehicle Management and Breakdown procedure. |
| 3 | **Costing for Health and Safety management**<br>The tenderer to submit detailed costing for OHS (the cost should be broken down not provided as a lump sum).<br>• The costing must be based on the overall scope of work/service to be performed;<br>• The scope of work and the risk assessment may serve as a guideline.<br>• **The cost for safety to be limited to PPE and Medical surveillance** |
| 4 | **Baseline OHS Risk Assessment (BRA)**<br>Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA |
| 5 | **Valid Letter of Good Standing** (COIDA or equivalent) |
| 6 | **OHS policy signed by CEO**<br>The submitted policy must comply to OHS Act Section 7 |
| 7 | **OHS Competency as follows:**<br>• Conveyor of dangerous goods by road<br>• First aid training<br>• Firefighting training |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

### *D.2 ENVIRONMENT*

**Environmental Requirements:**

The environmental requirements for this transaction are specified as follows: Tenderers to comply to the following:

1) Environmental Management System (EMS)
2) Environmental Management Plan (EMP)
3) Waste Management
4) Documents and Records
5) Other Environmental Obligations

The following documentation shall be submitted with all tender submissions and be available upon awarding of the contract and prior to commencement of any work:

i. Environmental Management System (EMS)
ii. If the contractor is certified under national or international listing scheme, a copy of the certificate shall also be sent with the tender, if not, the company's environmental management system supporting documents.
iii. Environmental Management Plan (EMP)
iv. Waste Management Plan
v. Environmental Bill of quantities

| DOCUMENT No. | | DESCRIPTION | APPLICATION AND RESPONSIBILITY |
|---|---|---|---|
| 1 | 240-12248652 | List of Tender Returnables / Quality Requirement Document | Tenderer to submit all tender returnables for section A, B, C, D and E, as per list **(Category 2)** |
| 2 | 240-68099512 | **FORM A:** Tender & Contract Quality Requirements for QM 58 and Quality Requirements for ISO 9001 Standard | Tenderer to complete (section A and E) and sign it. |
| 3 | 240-105658000 (QM 58) | Supplier Quality Management: Specification | Specifying Eskom supplier quality requirements. Tenderer to comply with the selected requirements as per **Category 2**. |
| 4 | 240-109253302 | Quality Control Plan/ ITP template | Section C of Evaluation criteria - Tenderer to compile and submit QCP for manufacturing, supply and delivery of gases based on the scope of work. |
| 5 | 240-109253698 | Contract Quality Plan template | Section D of Evaluation criteria - Tenderer to compile and submit CQP for manufacturing, supply and delivery of gases based on the scope of work as per template |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

### *D.4 SDL&I*

#### 1) Specific Goals

A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|---|---|---|
| 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 |

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

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

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

- May only score point out of 90/80 for price
- Scores 0 points out of 10/20 for specific goals

#### 2) <u>SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals (SDL&I undertaking)</u>

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

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

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

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

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

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

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

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

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

**2. Local Procurement Content**

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

| Local Procurement Content | Eskom target | Tenderer Proposal |
|---|---|---|
| | 100% | |

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

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

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

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| Procurement from Designated Group | Eskom Target | Tenderer Proposal |
|---|---|---|
| Black Women Owned | 5% | |
| Black Youth Owned | 5% | |
| Black Persons with Disability | 5% | |

**4. Jobs**

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

| Type of Jobs to be created | Number of Jobs to be created |
|---|---|
| | |

| Type of Jobs to be retained | Number of Jobs to be retained |
|---|---|
| | |

Potential scope to be subcontracted can be achieved from moving the product independently with the support from the main contractor)

- ✓ Transportation and logistics management
- ✓ Give one or two Power station to be supplied non- specialized gases like LPG by a sub-contract at the similar rate they gave to Eskom (with full support to deliver product on time)
- ✓ After service support gas battles, scrap/recycle or repairs/maintenance (report on overall performance)
- ✓ Certain inbound raw material e.g paint, valves, printing etc

**5. Skills development**

Eskom reserves the right to negotiate with the tenderer on Eskom's requirements. The outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition.

Skills development is designed to benefit the currently unemployed graduates from school: further education and training campuses and universities.

The composition of these candidates must be representative of the population demographics of South Africa. Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners.

This is how the skills development will be applied:

- ✓ Successful tenderer will be obligated to **skill one** candidate for every **R15 Million** spend cumulatively through purchase orders/instructions awarded to the supplier; The supplier will be required to implement this requirement a month after the threshold is reached.
- ✓ This obligation will be for the duration of the contract however supplier needs to demonstrate positive progress on monthly basis.

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

✓ Candidates shall be sourced from previously disadvantage groups in South Africa, particularly at the site where the services will be taking place.

**Tenderers are required to propose against the following training initiatives:**

| Skills type | Intake | Outcome | Eskom allocation target | Tenderer proposal |
|---|---|---|---|---|
| **Logistics** | National diploma | Logistics Officer | 37% | |
| **Chemical Engineering** | National diploma | Chemical Engineer | 47% | |
| **In-Service Training** | Undergraduate | Engineer/Artisan | 16% | |

**Note**: The supplier will be required to take candidate that graduated national diploma in chemical engineering/Logistics Management national diploma or B-Tech and who's unemployed, enroll them to do a Learnership program in logistics/chemical engineering for at least 12 months. As for In-service training the supplier will take unemployed undergraduate candidates and enroll then into in-service training program for 12 months.

## 3) SDL&I Penalty and Performance Security

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

**One of the following options will apply for SDL&I performance security:**

- Suppliers will be required to report progress towards achieving SDL&I contractual obligations on a quarterly basis regardless of the duration of the task order.
- As security Eskom will apply 2.5% retention on future invoices (excluding VAT) after all cumulative task orders awarded to a service provider who reached a stipulated threshold of R15 million and failed to comply with fulfilment of the SDL&I obligations.
- For every SDL&I commitment met in terms of the contract, the supplier shall apply for the release of the retention in the next payment certificate after the application and once the Eskom's Contract Manager and the SDL&I compliance and monitoring team are satisfied that the obligations have been met.

## 4) Reporting and Monitoring

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

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## 5) General Information on Validity of Sworn Affidavits

| The following must be considered when it comes to validity of Affidavits; |
|---|
| **Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:**<br>• Name/s of deponent as they appear in the identity document and the identity number.<br>• 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).**<br>• Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.<br>• 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**).<br>• Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**<br>• 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).**<br>• B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**<br>• Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.<br>• 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)**<br>• Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## ANNEXURE A

## AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below.

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

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tendere*r is a company, close corporation or joint venture, the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, or power of attorney in the case of a joint venture).
Note further that the authorised representative of the *tenderer* will in addition be required to sign the form at the end in addition to the relevant certificate for category of organisation.

### A. Certificate for company

I,_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _._ _ _ _ , in my capacity as _ _ _ _ _ _ _ _ _ _ _ _ of the board of directors of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, hereby confirm that by resolution of the board taken on _ _ _ _ _ _ _ _ _ (date), Mr/Ms _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ , acting in his/her capacity of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. The resolution of the board is annexed to this Form.

| Signed: | Date: |
|---|---|
| **Name:** | **Position:** |



When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

### B. Certificate for close corporation

I,_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _._ _ _ , in my capacity as member of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, hereby confirm that by majority vote of the members taken on _ _ _ __ _ _ _ _ (date), Mr/Ms _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ , acting in his/her capacity of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. The members' resolution is annexed to this Form.

| **Signed:** | **Date:** |
|---|---|
| **Name:** | **Position:**<br>**(Member)** |

### C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ hereby authorise Mr/Ms _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, acting in his/her capacity of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, to submit this tender on our behalf, and to sign all documents in connection with the tender and any contract that may result from it on our behalf.

| Name | Address | Signature | Date |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

### 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 _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ , being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

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

Furthermore we attach to this Form a copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates the member that will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

| Name of JV member | Address | Authorised signature, name and capacity |
|---|---|---|
| Lead partner | | |
| | | |
| | | |
| | | |

### E. Certificate for sole proprietor

I, _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, hereby confirm that I am the sole proprietor of

the business trading as _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

| Signed: | Date: |
|---|---|
| Name: | Position:<br>(Sole Proprietor) |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**<u>NOTE</u>: The table hereunder to also be fully completed by all *tenderers* irrespective of the category of organisation selected and completed above.**

| | |
|---|---|
| **Name of tenderer:** | |
| **Full names of authorised signatory:** | |
| **Designation and capacity:** | |
| **Signature of authorised signatory** | |
| **Date of signature:** | |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE B**

**ACKNOWLEDGEMENT FORM**

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

| | |
|---|---|
| | |
| | |
| | |

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

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

**Or:** Incorrect or incomplete for the following reasons: ☐

_____

_____

_____

**Cataloguing Acknowledgement:**

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

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

_____

_____

_____

4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [***delete whichever is not applicable***] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

Invitation to Tender/Request for Proposal No: _____

Name of Tenderer:_____

Country of registration: _____

Full names of contact person: _____

Contact details:

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

| | |
|---|---|
| **Name of tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Designation and capacity:** | |
| **Date:** | |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE C**

**TENDERER'S PARTICULARS**

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

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

**Please complete the following:**

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

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

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

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| 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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury_____

3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.

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 compliance 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 have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

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

7. **If sub-contracting is prescribed in the enquiry, tenderers must complete 7.1 to 7.9.**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

7.1 Confirm if you intend sub-contracting

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

7.2 What percentage will you be sub-contracting? _____%

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

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

7.5 If yes to 8.4, please provide CSD number._____

7.6 Please confirm B-BBEE level of said sub-contractor_____

7.7 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 paragraphs (a) to (h).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

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

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

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

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| **Name of tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Designation and capacity:** | |
| **Date:** | |


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE D**

**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 an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where:-

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

**Related:**

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

(a) an individual is related to another individual if they-

(i) are married, or live together in a relationship similar to a marriage; or

(ii) are separated by no more than two degrees of natural or adopted consanguinity or

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

affinity;

(b) 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 set out in subsection (2) below; and

(c) a juristic person is related to another juristic person if-

(i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;

(ii) either is a subsidiary of the other; or

(iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

"related person", when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

**Control:**

(2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-

*(a)* in the case of a juristic person that is a company-

(i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act1; or

(ii) that first person together with any related or inter-related person, is-

*(aa)* directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

*(bb)* has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

*(b)* in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

*(c)* in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or

*(d)* that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph *(a), (b)* or *(c)* of subsection (2).

"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 an employee/consultant/ contractor and/or director of a State/State owned entity.** | **Full Names & Capacity/Position of Eskom employee/ consultant/contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.)** | **To your knowledge is this person involved in the specification/ evaluation/ adjudication/ negotiation of tenders?** |
|---|---|---|---|---|
| | | | | |
| | | | | |

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. _____
[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? _____(
[Yes/No]

If Yes, attach proof.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## 2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

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

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

| Item | Question | Yes | No |
|---|---|---|---|
| 1.1 | Is the tenderer/s or any of its shareholders/directors/members/partners/owners listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector.<br><br>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). | | |
| 1.2 | Is the tenderer/s or any of its shareholders/directors/members/partners/owners 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)<br><br>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za). | | |
| 1.3 | Was the tenderer/s or any of its shareholders/directors/members/partners/owners convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years? | | |
| 1.3.1 | If "Yes", provide details including a case number and a copy of the judgement. | | |
| 1.4 | Was the tenderer/s or any of its shareholders/directors/members/partners/owners prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency? | | |
| 1.5 | Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners failing to meet their contractual obligation with the State or any State owned entity? | | |
| 1.5.1 | If "Yes", provide details | | |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

## 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [*Full names and 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 the information in the table below must be completed in full for each tenderer including incorporated JVs. If the tenderer is an unincorporated JV, the tables 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 | Entity Registration Number/Trust Number | Shareholding Percentage | Full name and surname of the /shareholders/ directors/ trustees/ beneficiaries of the shareholding entity | Identification Numbers of the shareholders/directors/ trustees/beneficiaries of the shareholding entity |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 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.**

| | |
|---|---|
| **Name of Tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Designation and capacity:** | |
| **Date:** | |

**Joint Ventures**

**I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 purposes 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.**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| **Name of Tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Designation and capacity:** | |
| **Date:** | |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE E**

**CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.**

**The application of contract price adjustment (CPA) to tender submissions**

**Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).**

## 1. Application of CPA

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- ***Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.***
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

## 2. Tender Submissions

**Eskom Proposed CPA breakdown for Local Goods and Service**

| **Formula A** | | | | | | |
|---|---|---|---|---|---|---|
| ***Index Reference*** | ***Proposed portions/Weightings of each index*** | ***Description of Index*** | ***Full Title of Index as published*** | ***Source Publisher of Index*** | ***Base Month*** | **Base Price/Base Index Figure** |
| **A1** | *35%* | *Material* | *Table U* | *SEIFSA* | *Month before the month in which the Enquiry closes* | |
| **A2** | *25%* | *Transport* | *L(2) A* | *SEIFSA* | | |
| **A3** | *25%* | *Labour* | *Table C3* | *SEIFSA* | | |
| | ***15%*** | ***Fixed portion not subject to CPA*** | | | | |
| **Total** | ***100%*** | | | | | |

**Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**Eskom CPA Conditions/Requirements**

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

**Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.**

## 3. BASE DATE AND BASE PRICE

- 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.

- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.

| | |
|---|---|
| **Closing date of tender:** | |
| **Name of tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Date of signature:** | |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE F**

**CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES**

**The application of contract price adjustment (CPA) to tender submissions**

**Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).**

**1. Application of CPA**

- 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.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

**2. Tender Submissions**

**Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.**

**Eskom CPA Conditions/Requirements**

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.**

**3. BASE DATE AND BASE PRICE**

- 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

- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.

## PAYMENT OF FOREIGN COMMITMENTS

### PART 1: The application of importation payment requirements to tender submissions.

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

**Tenderers**:-

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic of South Africa, for example, transport costs will only be paid in Rands.

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

**Payment of Eskom's foreign commitment in foreign currency will be made either:**

**Payment Method 1A:**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

To a nominated bank account in a foreign country in a foreign currency
(Payment will be made to the party and account nominated by the supplier
In the contract, and not to any other party).

**Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods**

**Documentation to be submitted with payment**:

- Commercial invoice (from the foreign supplier)

**Import payments**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

**Any one of the following documents as per the mode of transportation:-**

- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt "goods despatched".
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the relative goods to the Republic of South Africa**

**Service- related payments**

**Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier)

**OR**

**Payment Method 1B;**

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)

**Please note:**

- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)

- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
  - Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.
  - Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
  - Copy of the latest application to the Reserve Bank to renew the approval.
  - Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

**<u>Import payments</u>**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

**Any of the following documents as per the mode of transportation:-**

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the relative goods to the Republic of South Africa**
**All documents submitted to Eskom should not have any alterations.**
**The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.**

**<u>Service-related payments</u>**

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:-

- A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
- A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.

- This approval is only valid for a period of 1 year or as per SARB approval period.

**Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.**

**OR**

**Payment Method 2:**
In South African Rand at the selling spot rate of exchange obtained by
Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well
As the intended payment date, which will be as per the agreed payment terms.
Any exchange rate adjustment after Eskom has notified the supplier of the date
and the rate which the forward cover is cancelled, will be for the account of
the supplier.

**Please note:**

- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier)
- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

**Any of the following documents as per the mode of transportation:-**

Marine/ ocean bill of lading
Airway bill / air transport document
Road or rail consignment note

- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the relative goods to the Republic**

- Local invoice or Tax invoice

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.**

**OR**

**<u>Fixed ZAR Option (Payment Method 3)</u>**

This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

**From a Commercial perspective, please take note of the following:**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

**Documents to submit with payment:**

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

**<u>Import payments</u>**

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

**Any of the following documents as per the mode of transportation:-**

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

**NB: Evidencing transport of the goods to the Republic of South Africa**

**Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

**NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency**

**Please note: Eskom will require substantiating proof of importation at the time of invoicing**.

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

Where the supplier, previously imported goods into stock for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.

**Take note of the following:**

**Service-related payment:**

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1) **Secondment**

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

**Documents to be attached for payment:**

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager.

2) **Payroll Transfer**

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

**PART 2: EXCHANGE RATES**

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)
Please note that the tenderer is required to submit proof of the SARB rate/s used.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| **Date of advertisement of tender:** | |
| **Closing date of tender:** | |
| **Name of tenderer:** | |
| **Full names of authorised signatory:** | |
| **Signature:** | |
| **Date of signature:** | |

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE G1**

**SBD 6.2**

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

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

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

### 1. General Conditions

1.1. Dtic makes provision for the promotion of local production and content.

1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

LC = [1 - x / y] * 100

Where:
x is the imported content in Rand
y is the bid price in Rand excluding value added tax (VAT)
Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

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

| Description of services, works or goods | Stipulated minimum threshold |
|---|---|
| _____ | _____% |
| _____ | _____% |
| _____ | _____% |

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.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

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

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

**IN RESPECT OF BID NO.** .....

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

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content is accessible on http://www.thdti.gov.za/industrial development/ip.jsp.

3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.

4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

(i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | |
|---|---|
| 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 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** _____ **DATE:** _____

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

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

**Annexure G2- _Local content Declaration-Summary Schedule (annex C)**

Adobe Acrobat Document

**Annexure G3 - Imports Declaration-Supporting schedule to Annex C (annex D)**

Adobe Acrobat Document

**Annexure G4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)**

Adobe Acrobat Document

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE H**

**SBD 1**

# PART A
# INVITATION TO BID

| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)** | | | | | |
|---|---|---|---|---|---|
| BID NUMBER: | MWP2448GX | CLOSING DATE: | 25 September 2024 | CLOSING TIME: | 10h00 |
| DESCRIPTION | THE MANUFACTURE, SUPPLY, DELIVERY, OFF-LOADING AND COMMISSIONING OF LIQUEFIED PETROLEUM GAS (LPG), INDUSTRIAL, MEDICAL SPECIAL GASES, AND PROVISION OF RELATED MAINTENANCE REFURBISHMENT OF RELEVANT GAS SYSTEMS, AT VARIOUS ESKOM GENERATION SITES ON "AN AS AND WHEN REQUIRED BASIS" FOR A PERIOD OF FIVE (5) YEARS | | | | |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | |
|---|---|---|---|
| CONTACT PERSON | **Joyce Matlala** | CONTACT PERSON | **Joyce Matlala** |
| TELEPHONE NUMBER | **011 651 6802** | TELEPHONE NUMBER | **011 651 6802** |
| FACSIMILE NUMBER | **086 659 9588** | FACSIMILE NUMBER | **086 659 9588** |
| E-MAIL ADDRESS | **MatlalJN@eskom.co.za** | E-MAIL ADDRESS | **MatlalJN@eskom.co.za** |

| **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 | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | **OR** | CENTRAL SUPPLIER DATABASE No: | MAAA |


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| | | | |
|---|---|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED? | ☐Yes ☐No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED? | ☐Yes ☐No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

| | |
|---|---|
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | ☐ YES ☐ NO |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | ☐ YES ☐ NO |

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


**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

# 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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.** |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** |
| **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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE." |

**NB: FAILURE TO PROVIDE / OR COMPLY WITH 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)

DATE: ……

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE I** **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**

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

- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the 90/10 preference point system.

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

1.6 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

(a) **"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;

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

*(c)* **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"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

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

**80/20** **or** **90/10**

$$\boldsymbol{Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)} \quad \text{or} \quad \boldsymbol{Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20** **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

| 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 | 16 | | |
| 4 | 5 | 12 | | |
| 5 | 4 | 8 | | |
| 6 | 3 | 6 | | |
| 7 | 2 | 4 | | |
| 8 | 1 | 2 | | |
| Non-compliant contributor | 0 | 0 | | |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. 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:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) 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 –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the 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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

(e) forward the matter for criminal prosecution, if deemed necessary.

……

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

**SURNAME AND NAME**: …….

**DATE:** ……

**ADDRESS**: ……

……

……

**Controlled Disclosure**

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

**ANNEXURE J** **SBD 4**

**TENDERER'S DISCLOSURE**

## 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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 tender process.

## 2. TENDERER'S DECLARATION

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

| Full Name | Identity Number | Name of State Institution |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

**[YES/NO]**

If so, furnish particulars:

……

……

2.3 Does the tenderer 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]**

If so, furnish particulars:

……..

……..

**3. DECLARATION**

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

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

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

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

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30

3.4 **T**here 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

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

3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.

3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

| | |
|---|---|
| …… | …… |
| Signature | Date |
| …… | …… |
| Position | Name of bidder |

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

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system. No part of this document may be reproduced in any manner or form by third parties without the written consent of Eskom Holdings SOC Ltd, © copyright Eskom Holdings SOC Ltd, Reg No 2002/015527/30