

	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER (ITT) / REQUEST FOR PROPOSAL (RFP)

FOR

PROCUREMENT OF DOMAIN NAME SYSTEM (DNS) SECURITY MANAGED SERVICES FOR A PERIOD OF FIVE (5) YEARS. (1 YEAR IMPLEMENTATION AND 4 YEARS MAINTENANCE AND SUPPORT)

Tender number	E3291CXMWPR
Issue date	12 October 2026
Closing date and time	03 November 2026 at 10h00 South African Standard Time (SAST)
Tender validity period	365 days from the closing date and time
Clarification meeting	No clarification meeting will be held. Suppliers to send clarifications questionnaire via email to Mhlongh@eskom.co.za
Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time. <i>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time</i>	E-tendering Public website: https://eTendering.eskom.co.za - this is used by members of the public, to view information about published tenders and submit their tender documents.

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		Effective Date	07 April 2026		
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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the procurement of domain name system (DNS) Security Managed Services for a period of five (5) years. (1 year Implementation and 4 years Maintenance and support).

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

1. Free of charge

Eskom has delegated the management of this Invitation to Tender 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 Invitation to Tender 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 Invitation to Tender 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

Nothukela Thuksi Sereo

Date: 12 Oct 2026

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		Effective Date	07 April 2026		
		Review Date	April 2031		

1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender.

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 (Suppliers are required to download and read the Supplier Integrity Pact. It is accessible on the Eskom Tender Bulletin via Eskom Supplier Integrity Pact (eskom.co.za) link)	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 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.8	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Annexure K	Y
1.1.11	NEC 3 Professional Services	Annexure L	Y
1.1.12	Complete Pricing Schedule: and Excel format. The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes	Annexure M	Y
1.1.13	Scope of Work	Annexure N1	Y
1.1.14	Technical Evaluation Criteria	Annexure N2	Y
1.1.15	Supplier Development Localisation and Industrialization	Annexure O	Y
1.1.16	Quality Requirements	Annexure P	Y
1.1.17	SHE Requirements	Annexure Q	Y
1.1.18	Schedule Q	Annexure S	Y
1.1.19	Eskom Standard Condition of Tender	Annexure T	Y
1.1.20	E-tendering Help Manual acknowledgement form	Annexure U	Y

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		Effective Date	07 April 2026		
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Number	Description	Annexure	Attached (Y / N / N/A)
1.1.21	E-tendering Help Manual for supplier	Annexure V	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 **Invitation to Tender/Request for Proposal**, 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 <i>Employer</i> is Eskom Holdings SOC Ltd The Eskom <i>Representative</i> is: Name: Herman Mhlongo Tel: 011 516 7653 E-mail: mhlongh@eskom.co.za
1.3 Tender documents	The Invitation to tender /RFP number is: E3291CXMWPR See the content list above for the tender documents.
1.4 Type of Invitation to Tender/ RFP	This Invitation to Tender is: 1. An open Invitation to Tender
1.6 Eskom's right 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. <u>Tenderers are ineligible to submit a tender if:</u> 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. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size

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		Effective Date	07 April 2026		
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Clause Number from Standard Conditions of Tender	Tender Data
	(The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). - 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. - 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: - they have a controlling partner or majority shareholder in common; or - 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; - Tenders signed by non-authorised persons. - Any tenderer that is restricted by National Treasury. - Any tenderer on the Tender Defaulters list. - Any tenderer and/or its director/s that is restricted by Eskom. - A tenderer that sub-contracts 100% of the Scope of Work 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: E3291CXMWPR Date: 03 November 2026 Time 10h00am Late Tenders will not be accepted. THE TENDER OFFICE Tenders are uploaded via Eskom Tender bulletin site on the Eskom E- tendering page <u>https://eTendering.eskom.co.za</u>
2.7-.2.11 Submitting a tender	For Electronic Tender Submissions The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other.

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		Effective Date	07 April 2026		
		Review Date	April 2031		

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	All documents need to be submitted in a PDF format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). The price list needs to be submitted in electronic format. No Zip/condense files can be uploaded No hard copy will be accepted If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. Please ensure that the submission status is indicated as complete. Supplier Help Manual guide and video can be found on Eskom E-Tendering page
2.12 Tender Validity Period	The tender validity period is 12 months from the tender closing date and time.
2.15 Site visit and/or clarification meeting	A clarification meeting will not be held; however, clarification questions can be sent via email to: mhlongh@eskom.co.za
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is [5] working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are not allowed. If alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by Eskom: 1. A different completion date; 2. A different payment method; 3. Different technical methods and specifications; and/or 4. A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract.
2.33 Cataloguing	The successful tenderer may be required to provide the cataloguing information per item after contract award and will need to ensure that all materials delivered to Eskom are labelled in line with Eskom's labelling specifications as may be stipulated by Eskom. Where cataloguing is a requirement, the Pricing Schedule must also include a line item for cataloguing, which tenderers are required to quote for. Eskom will pay for the cataloguing.
2.34 Provision of Security for Performance	If the provision of security for performance in the form of a performance bond or a demand guarantee is a requirement, the

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	tenderer must select a minimum of two (2) financial institutions that it is likely to approach from the list provided of Eskom-approved financial institutions.										
3.4 Tender Opening	For E-tendering. There will be no public opening of tenders. Tenders will be downloaded electronically.										
3.5 Tender Prices	Prices will not be read out .										
3.9 Basic Compliance	Basic compliance with this Invitation to Tender requires a tenderer to meet all the following requirements: Basic compliance for this invitation to tender are: 1. Meet the eligibility criteria for a tenderer 2. Submit a complete tender with commercial, financial and technical information 3. Submission of the mandatory commercial tender returnables as at stipulated deadlines. For E-Tendering, a tenderer's failure to have submitted/uploaded tender documents will render the tender non-responsive.										
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents by or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender will be deemed non-responsive.										
3.13 Functionality requirements	Functionality requirements are applicable The following criteria will be applicable for this transaction under functionality criteria: <table> <tr> <th>Criteria</th><th>Weight</th></tr> <tr> <td>The proposed managed service solution should deliver industry-leading threat-blocking efficacy (≥87% malware, ≥80% phishing) with false positive rates averaging ≤2%, as independently validated.</td><td>4.00%</td></tr> <tr> <td>The proposed managed service solution must have local POP (Point of Presence). This ensure low-latency DNS resolution and meet local data residency and compliance requirements.</td><td>3.00%</td></tr> <tr> <td>The proposed managed service solution must be agentless on-premises deployment</td><td>3.00%</td></tr> <tr> <td>The proposed managed service solution must have the access guard feature that evaluate, monitor the performance of firewall, proxy, and DNS security policies continuously.</td><td>5.00%</td></tr> </table>	Criteria	Weight	The proposed managed service solution should deliver industry-leading threat-blocking efficacy (≥87% malware, ≥80% phishing) with false positive rates averaging ≤2%, as independently validated.	4.00%	The proposed managed service solution must have local POP (Point of Presence). This ensure low-latency DNS resolution and meet local data residency and compliance requirements.	3.00%	The proposed managed service solution must be agentless on-premises deployment	3.00%	The proposed managed service solution must have the access guard feature that evaluate, monitor the performance of firewall, proxy, and DNS security policies continuously.	5.00%
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		Effective Date	07 April 2026		
		Review Date	April 2031		

Clause Number from Standard Conditions of Tender	Tender Data		
	The proposed managed service solution must have integration with Existing Security Ecosystems. This allows for automated incident response, enriched security analytics, and correlation across multiple security layers. This integration enables organizations to create a holistic security strategy that improves overall threat detection and mitigation.		4.00%
	The proposed managed service solution must operate without acting as inline DNS relay, and it must also utilize the passive analysis methods to avoid interrupting DNS resolution paths.		5.00%
	The proposed managed service solution must have predictive Domain Risk Scoring Using Threat Intelligence. This capability enables organizations to proactively block or monitor suspicious domains, even before they are flagged in public blocklists, enhancing the organization's ability to prevent zero-day attacks.		4.00%
	The proposed managed service solution must have enhanced Visibility into DNS Tunneling. This includes identifying complex and subtle exfiltration techniques that can evade traditional security mechanisms, thereby providing an enhanced level of protection against data exfiltration and other covert activities.		4.00%
	The proposed managed service solution must have attribution of Malicious Activity to Infrastructure. This provides information on threat actor tactics, techniques, and procedures (TTPs), as well as infrastructure mapping, helping security teams gain context around threat campaigns and enhance their incident response processes.		4.00%
	The proposed managed service Solution must have Incident Response Support with Historical DNS Data. This provides access to comprehensive historical DNS traffic data, allowing security teams to perform forensic analysis and trace back malicious activities or domain connections over time. This feature is crucial for post-incident investigation, allowing organizations to assess the full scope of an attack. Allow real-time correlation capabilities of 12 months of retained data and outline capabilities for long-term archival up to 10 years using optimised storage.		5.00%
	The proposed managed service solution must allow Ruleset-Based Policy Management. This enables the creation of advanced, customizable rulesets based on		3.00%

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		Effective Date	07 April 2026		
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Clause Number from Standard Conditions of Tender	Tender Data		
	multiple criteria, enabling fine-tuned control over DNS filtering and protection.		
	The proposed managed service solution must have location-Based Policy Management. This allows for the application of location-based policies, enabling differentiated enforcement of security measures based on geo-location based filtering or office locations.	4.00%	
	The proposed managed service solution must have cross-platform agent support. This ensures comprehensive protection across all endpoint devices, regardless of platform, with minimal performance impact.	3.00%	
	The proposed managed service solution should include real-time global DNS propagation monitoring across 50+ anycast nodes, with predictive analytics to identify delayed zones and automate corrective actions.	3.00%	
	The proposed managed service solution should dynamically adjust TTL values based on traffic patterns and change-windows, reducing propagation delays by 70% during migrations while maintaining compliance.	3.00%	
	The proposed managed service solution should correlate DNS query patterns with threat feeds (e.g., DNSBL, MITRE ATT&CK) to detect reconnaissance, tunneling, or DDoS attacks, triggering automated mitigation.	4.00%	
	The proposed managed service solution should automate DNS zone transfers (AXFR/IXFR) with cryptographic validation and conflict resolution to prevent zone poisoning or misconfigurations.	3.00%	
	The proposed managed service solution should enforce policy-as-code for DNS records (e.g., CAA, DKIM, DMARC), including automated violation remediation and audit reporting for standards like PCI-DSS.	3.00%	
	The proposed managed service solution should disrupt command-and-control (C2) communications for malware-less attacks (e.g., living-off-the-land techniques) by analyzing DNS beaconing patterns, with coverage for non-standard protocols like Microsoft Teams or Azure DNS.	4.00%	
	The proposed managed service solution must have should present the ability to aggregate DNS-related logs from multiple sources into a centralized platform that supports real-time search, correlation, and compliance-ready storage.	3.00%	

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Clause Number from Standard Conditions of Tender	Tender Data	
	The proposed managed service solution must have the ability to show how suspicious traffic within VPN/ZTNA tunnels are detected and correlated to the originating user or endpoint.	3.00%
	The proposed managed service solution must have should have behavioural and machine learning based detection of DNS tunneling activity and exfiltration attempts in real time	3.00%
	The proposed managed service solution must have out of the box integration with Active Directory(AD), DHCP and DNS Server for full visibility of user device mapping.	4.00%
	The proposed managed service solution must simulate detection and prevention for key threats categories: Zero-day domains, botnets, phishing, malware, TOR traffic, malicious domain, and NRDs (Newly registered Domains).	5.00%
	The proposed managed service solution must present the ability to filter DNS queries based on domain registrar details as an additional threat signal.	3.00%
	The proposed managed service solution must have the ability to apply threat intelligence to classify domain in real-time, in addition to basic content or category based filtering	5.00%
	The proposed managed service solution must have a native integration with VPN/ZTNA services.	3.00%
	Total	100%
	Threshold	80%
The Technical Evaluation will consist of two stages, stage one: desktop, stage two: demonstration. Vendors must meet or exceed the threshold for stage one to be invited for stage two. Desktop Technical evaluations (stage one) will be conducted with a minimum threshold of 80% to pass. Tenderers who do not meet or exceed the threshold for functionality scoring will be disqualified. Only Vendors who pass the desktop evaluation will be invited to the demonstrations (stage two). Vendors who do not score 80% or more on the demonstration will be disqualified.		
3.15 Evaluation of Price	Prices will be evaluated as follows: 1. Inclusive of VAT; 2. Corrected for arithmetical errors; 3. Excluding contingencies in any bill of quantities or activity schedule'	

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Clause Number from Standard Conditions of Tender	Tender Data
	4. Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and 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. 6. Unconditional discounts will be taken into account for evaluation purposes. 7. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected. Prices will be scored out of [80 or 90] points
3.18 Evaluation of Specific Goals	Specific goals will be scored out of [20 or 10] points in accordance with the PPPFA. 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.
3.19 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. <i>Either 80/20 or 90/10 will apply should there be a degree of uncertainty on which system will apply. The lowest acceptable tender will be used to determine the applicable preference system.</i>
3.20 Objective Criteria (if applicable)	Objective criteria are not applicable .
3.21 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> • Proof of CSD registration Note: A contract will not be awarded to a tenderer that is not registered on the CSD (except for foreign suppliers with no local registered entity on CIPC).

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	Additional Contractual Requirements that may be included if applicable: a) Commercial Requirements (terms and conditions of NEC or supplier's agreement). b) SDL&I Requirements. c) Quality Requirements, d) SHE Requirements and e) Financial Analysis 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. 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.
3.24 Sign form of Agreement/ Contractual Conditions	The conditions of the contract will be the NEC3 Professional Services Contract or Supplier's Agreement.
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are <i>not applicable</i>
2.29 Contract Skills Development Goals (CSDG)	Contract Skills Development Goals (CSDG) is not applicable]
2.30 Contract Participation Goals	Contract Participation Goals is not applicable.

Please note:

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

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

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

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations should the tendered prices not be market-related.

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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.

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**

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1.3 TENDER RETURNABLES

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

NOTE THE FOLLOWING: -

* Returnables required at Tender closing (disqualifiable): -

These returnables are required to be completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not 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 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 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.

Returnable required prior to Contract Award.

Returnables that are mandatory for contract award must be submitted prior to award, completed if completion is a requirement and signed if signature is a requirement.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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	Electronic copy of the tender		√	
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 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		√	
Annexure K	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			
Annexure L	NEC Documentation		√	
Annexure M	Pricing Schedule (excel format)	√		
Additional Documents required in the 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 independent of the individual JV partners, as set out in the joint venture agreement.			√

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		Effective Date	07 April 2026		
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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
# 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). 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			√
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		√	

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	MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
SDL&I	Refer to Annexure P		√	
Quality	Refer to Annexure Q		√	
SHE	Refer to Annexure S		√	
Schedule Q	Refer to Annexure R		√	
Mandatory Contractual Requirement	Proof of valid and current CSD Registration (CSD number/CSD Report)			√
	ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Safety	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	Refer to the Quality Folder			√
Due Diligence/financial analysis	- Latest, approved (No draft annual financial statements or managements accounts are allowed for this process) annual financial statements of the tendering company (Not Parent or ultimate holding company) , including: - Background to the company - A signed director's report. - A signed auditor's/reviewer's/compiler's/accounting officer's report - Statement of financial position - Statement of comprehensive income - Statement of changes in equity - Statement of cash flows - Notes to the financial statements.			√

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	- A signed copy of the public interest score (only applicable to South African entities that are not audited) - Giving the actual score - Indicating whether the company is owner managed or not - Confirming whether the annual financial statements were externally prepared or not. - Copies of the ITA34C for the current & previous years of assessment (only applicable to South African entities that are not audited) - For unincorporated JV or a SPV, each partner in the JV or a SPV must submit its annual financial statements including all items listed above.			
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Functionality/Technical	1 Scope of work Annexure N1 2. Technical Evaluation Criteria Annexure N2	√		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

SCOPE OF WORK REFER TO ANNEXURE N(1) FOR DETAILED SCOPE

These business scope requirements aim to ensure that the DNS security suite provides comprehensive advanced protection against DNS attacks, enables efficient DNS traffic management, and integrates seamlessly with existing information security ecosystem.

The required managed services solution should be based on purpose-built hardware to provide the most robust, scalable, and integrated controls for network DNS security services available in the market today. These services, including DNS, DNSSEC, DHCP, FTP, TFTP, HTTP, HTTPS and NTP, are critical to supporting various network devices leveraging real-time database that is managed centrally using the IP Address Management service. The managed service will require also a dedicated project manager for implementation phase.

The envisaged managed services should be designed, sized and implemented to fulfil the below requirements:

1. The envisaged solution service should offer DNS Firewall capabilities to protect against DNS Malware.
2. The envisaged solution service should provide Hardware High Availability (HA) for all enabled services.
3. The envisaged solution service should provide Protocol HA including DHCP fail over protection, DNS, TFTP/HTTP, NTP, Syslog and other enabled services.
4. The envisaged solution service should offer Geographical Redundancy across both Data centre (DC) and Disaster Recovery (DR).
5. The envisaged solution service should be in compliance with DNSSEC and IPv6.
6. The envisaged solution service must offer Network Discovery for L2/L3 devices and connected endpoints.
7. The envisaged solution service should support Network Configuration Changes and Management Automation.
8. The envisaged solution service should be able to provide Network Policies and Compliance Enforcement.
9. The envisaged solution service must be able to provide integrated DNS Traffic Control capabilities to load balance traffic across multiple datacentres.
10. Real-time threat detection through DNS query analysis.
11. DNS Traffic Behaviour and anomaly detection.
12. Access Guard reporting to evaluate firewall, proxy and DNS Security performance including but not limited to showing malicious traffic blocked or missed by security control services.
13. One-click infected device identification passing through the DNS.
14. Real time visibility on DNS Security layer with the following details MAC address, username, Source IP, Device name and Host Name.
15. Agentless DNS log Collection with a minimum 1- year log retention for auditing and investigations including a 1-year real time search capabilities.
16. One-premise deployment with full administrative control.
17. DNS-level infected device detection (root course).

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

18. The on-premise DNS security solution must be capable of integrating seamlessly with existing firewall, proxy, and NDR. It should offer out-of-the box integration capabilities to ensure efficient deployment and interoperability.
19. Security layer detection of domains accessed for the first time within the organization on DNS layer (firstly seen domain detection).
20. On-Premises Solution (Reporting, which is to happen daily, weekly, and monthly) Delivers full visibility and compliance-friendly DNS logging for organizations with regulatory requirements.
21. AV-Test (AV-TEST is an independent organization which evaluates and rates antivirus and security suite software for Microsoft Windows, macOS and Android operating systems, according to a variety of criteria.) Compliance to meet the requirement of achieving an 80% or higher success rate in the DNS Security category as evaluated by AV-Test within the last three years, the product must demonstrate consistent performance in several key areas:
 - a. Threat Detection: The product should successfully identify a wide range of DNS-based threats, including phishing domains, malware sites, and other malicious URLs. This detection capability should be evaluated over multiple test periods by AV-Test to ensure reliability.
 - b. Blocking Efficiency: In addition to detection, the product must block access to harmful domains effectively, preventing user interaction or device compromise. This blocking should cover a range of threat vectors such as DNS tunnelling, Command and Control (C2) server communications, and domain-based malware.
 - c. Industry Benchmarking: The product must maintain or exceed industry benchmarks in independent testing conducted by AV-Test over the last two years. These benchmarks would include detection rates, false positive rates, and overall blocking effectiveness.
 - d. Efficacy Reporting: The product's performance must be verifiable through published AV-Test results, showing at least 80% success rate in all DNS Security test reports conducted within the last three years.

22. Compliance with Industry Standards ((System and Organization Controls 2) SOC 2) Ensures that DNS security controls meet SOC 2 compliance requirements for data protection and privacy.

23. Ruleset-Based Policy Management

- a) Protective DNS Security allows the creation of advanced, customizable rulesets based on multiple criteria, enabling fine-tuned control over DNS filtering and protection.

The ruleset can be customized using the following parameters:

- b) Category: Grouping domains or IP addresses based on content or threat categories.
- c) Client IP: Filtering based on specific client IP addresses.
- d) CNAME & CNAME Domain: Blocking based on Canonical Name records and their associated domains.
- e) CNAME TLD: Filtering by Top-Level Domains associated with CNAMEs.
- f) CVE: Integrating threat intelligence related to specific vulnerabilities (Common Vulnerabilities and Exposures).
- g) Device Name: Creating rules based on specific device identities.
- h) DoH & DOT: Support for DNS over HTTPS and DNS over TLS for encrypted DNS resolution.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- i) Domain & Domain Age: Filtering domains based on name and age (e.g., newly registered domains).
- j) Domain TLD: Blocking by Top-Level Domains (e.g., .com, .net, .org).
- k) FQDN (Fully Qualified Domain Name): Rules based on exact domain names.
- l) IP & IP Country: Filtering based on specific IP addresses or countries.
- m) Nameserver, Nameserver Domain, Nameserver IP, Nameserver IP Country, Nameserver TLD: Creating policies that target specific nameserver attributes.
- n) Open Port: Blocking based on specific port usage in DNS queries.
- o) Proxy IP: Blocking domains or queries originating from proxy IPs.
- p) Query Type: Filtering based on DNS query types (A, AAAA, MX, etc.).
- q) Domain Registrar: Filtering based on the registrar information of the domain.
- r) Status: Applying rules based on DNS response status
- s) Username: User-based filtering, allowing rules to be applied based on authenticated users.

The following capabilities are required by DNS Security Solution but not limited to:

- a) **Compatibility** – The DNS security suite should be compatible with a wide range of operating systems, including Windows, macOS, Linux, and mobile platforms such as iOS and Android.
- b) **Protection against DNS attacks** – End-user detection capabilities should be included in the suite to avoid various sorts of DNS attacks, such as DNS hijacking, DNS spoofing, and DNS cache poisoning. These capabilities should be equipped with detecting and blocking malicious DNS requests, as well as providing real-time monitoring and notifications for odd DNS behavior. This means that it should be able identify and protect against newly emerging malware (i.e., zero-day attacks) and security vulnerabilities that have not yet been detected by traditional security solutions.
- c) **DNS filtering and content blocking** – To restrict access to harmful or unsuitable websites, the suite should be able to monitor and filter DNS queries. Businesses should be able to construct and maintain bespoke blacklists and whitelists, as well as restrict certain categories of websites based on content or reputation, with this capability. The suite should enable customizable web filtering features, allowing block access to specific categories of websites or content. This helps enforce acceptable use policies, prevent access to inappropriate or non-work-related websites, and protect against phishing and other web-based attacks.
- d) **DNS traffic analysis** – The suite should include in-depth analysis of DNS traffic data, such as logs, requests, and responses. This capability should enable enterprises to detect trends and abnormalities in DNS traffic, which will aid in troubleshooting and recognizing possible security concerns.
- e) **DNS encryption** – To encrypt DNS communication and defend against eavesdropping and man-in-the-middle attacks, the suite should implement the DNS over HTTPS (DoH) or DNS over TLS (DoT) protocols. Solution should be able to detect invisible traffic with ability to identify the source of malicious DNS traffic.
- f) **Reports and analytics** – The suite should include comprehensive data and visualizations on DNS security events such as DNS assaults, banned requests, and DNS traffic patterns. These reports should be able to be tweaked and exported for more investigation and auditing. This helps gain insights into their network's security posture, identify potential vulnerabilities, and make informed decisions to improve their overall security strategy. Reporting should leverage the DNS platforms to provide long-term network reporting, trending, and tracking. Instead of

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

manually cobbling together reports one-by-one, Reporting should provide pre-built reports for easier administration and robust monitoring.

- g) **Integration with existing security services** – The suite should be able to integrate with existing security tools and infrastructure, such as firewalls, intrusion prevention systems (IPS), AI Threat detection systems/ solutions, and Security Information and Event Management (SIEM) systems. This integration should allow for seamless sharing of DNS security information and enable better overall security management. This allows for a more robust and coordinated security approach, leveraging the strengths of multiple security tools. Bidirectional XDR Integration Enhances endpoint detection and response (XDR) solutions by correlating DNS data with endpoint activity.
- h) **Scalability, flexible, and performance** – The suite should be able to handle high volumes of DNS traffic and provide fast and efficient DNS resolution without impacting network performance. It should also be scalable to accommodate growing network environments and support large enterprises with multiple DNS servers. It should offer flexible deployment options, including on-premises, cloud-based, or hybrid solutions, allowing choice on the deployment model that best suits their requirements.
- i) **Ease of deployment and management** – The suite should be easy to deploy and manage, with a user-friendly interface and centralized management console. It should support remote management and allow administrators to easily configure and monitor DNS security policies and settings.
- j) **Automatic threat remediation** – The suite should not only identify and blocks malicious domains and IP addresses but also automatically takes remediation actions to protect the network. This can include blocking suspicious DNS requests, quarantining infected devices, or notifying security teams for further investigation and response.
- k) **Data exfiltration prevention** – The suite should monitor DNS traffic for signs of data exfiltration attempts. It can detect and block unauthorized attempts to transfer sensitive data out of the organization, helping to prevent data breaches and protect against insider threats.

Minimizes Business and Legal Exposure – DNS security suite combats malware and APTs and prevents data theft, providing maximum protection for users from becoming infected when they go to a malware website or click on a malicious link. Furthermore, hijacked DNS command and control requests are not executed, preventing botnets from operating. Lastly, all malware activities are logged and reported to pinpoint infected clients and attacks.

Web presence and web applications infrastructure need a robust network fabric to deliver the high performance that drives both internal and external customer satisfaction, especially where revenue-generating services are concerned, such as web presence, e-commerce sites, customer-facing portals, or internal business-critical applications.

The following features must be available on the proposed solution:

- a) **Real-Time Threat Detection** – Detects malicious domains, phishing attempts, and other threats in real-time using AI-driven analytics and global intelligence feeds. Block potential exfiltration and identified malicious domains that are used to attack Eskom and blacklisted domains.
- b) **DNS Traffic Behaviour and Anomaly Detection** – Monitors DNS request patterns and identifies unusual behaviours that could indicate compromised devices or advanced persistent threats.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- c) **Continuous Security Gap Report** – Service should provide an in-depth analysis of existing security gaps in the DNS security service, enabling proactive risk mitigation.
- d) **One-Click Infected Device Detection** – Instantly identifies and isolates compromised devices within the network to prevent further damage.
- e) **Image-Based Anti-Phishing** – Uses advanced AI models to detect phishing attempts through image recognition and domain reputation analysis.
- f) **Crypto Mining Domain Classification** – Identifies and blocks DNS requests associated with crypto-jacking and unauthorized mining operations.
- g) **Global Threat Intelligence Feed** – Continuously updated database of known malicious domains and IPs sourced from a global network of threat analysts and partner
- h) **Built-In Threat Intelligence** – Enhances threat detection by leveraging proprietary and open-source threat intelligence feeds.
- i) **Proactive Threat Hunting** – Provides security teams with advanced search capabilities to proactively hunt for emerging threats within the DNS layer.
- j) **Ease of Deployment** – Deployable as an on-premises, cloud, or hybrid solution with minimal configuration and fast integration.
- k) **Both Agent and Agent-less Deployment** – Offers flexible deployment options to support diverse IT environments without requiring endpoint installations.
- l) **Roaming Clients for Off-Network Users** – Ensures DNS security and visibility for remote and roaming users outside corporate networks.
- m) **iOS & Android Support** – Extends DNS security protection to mobile devices, preventing phishing and malware infections on smartphones and tablets.
- n) **Cloud-Based Solution (Protection)** – Provides real-time cloud security for DNS traffic without requiring on-premises infrastructure.
- o) **On-Premises Solution (Reporting)** – Delivers full visibility and compliance-friendly DNS logging for organizations with regulatory requirements.
- p) **Bidirectional EDR Integration** – Enhances endpoint detection and response (EDR) solutions by correlating DNS data with endpoint activity.
- q) **SOAR & API Integration** – Automates threat response workflows by integrating with security orchestration, automation, and response (SOAR) platforms.
- r) **Content Filtering and Policy Management** – Enables organizations to enforce custom DNS policies for acceptable internet usage and security compliance.
- s) **Granular Rule Creation** – Allows detailed rule definitions to control access to specific domains, applications, and services.
- t) **Advanced Allow/Block List Management** – Provides dynamic and static allow/block lists to tailor security settings to organizational needs.
- u) **Dynamic Allow/Block Lists with URL Feeds** – Integrates with external URL threat feeds to automatically update filtering policies.
- v) **MSP-Friendly Architecture** – Designed for multi-tenant environments, allowing managed service providers (MSPs) to offer secure DNS services.
- w) **AV-Test Success Score** – Demonstrates strong performance in independent security assessments and AV tests.
- x) **Compliance with Industry Standards** – Ensures that DNS security controls meet best practice framework compliance requirements for data protection and privacy.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

Therefore, Global server load balancing (GSLB) and DNS Traffic Control technology is required to protect services, share load between different sites, and to implement disaster recovery (DR) or remote failover arrangements.

3 Solution Implementation

Solution implementation is broken down into:

- Planning
- Design & configurations
- Build & development
- Integration to Eskom estate
- Testing
- Data migration (if applicable)
- Deployment & Go-live
- Post implementation / Support

The supplier also has to provide project management services.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

TECHNICAL CRITERIA – DETAILED REFER TO ANNEXURE N2

Note: Tenderers who do not meet the minimum threshold of 80% scoring will be disqualified and not be evaluated further.

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	F TRUST

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust 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, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

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. A certified copy of the resolution of the board is annexed to this Form.

Signed:	Date:
Name:	Position:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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. A certified copy of the members' resolution is annexed to this Form.

Signed:	Date:
Name:	Position:

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 behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

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.

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		Effective Date	07 April 2026		
		Review Date	April 2031		

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 _____, 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.

We attach to this Form a certified 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 which member 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 member		
Member		
Member		
Member		

NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.

E. Certificate for sole proprietor

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

F. Certificate for trust

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

Signed:	Date:
Name:	Position:

NOTE: The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 Invitation to Tender ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender 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. ☐

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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:	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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) or trust number.	
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	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 Invitation to Tender , tenderers must complete 7.1 to 7.9.**

7.1 Confirm if you intend sub-contracting

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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	
-----	--	----	--

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 affinity;

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- (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;

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- (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. to this declaration

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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] 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/ trustees/ beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. 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/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries 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/ trustees/ beneficiaries 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/turstees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		
1.6	Is the tenderer/s or any of its directors restricted by Eskom?		

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

3. DECLARATION OF SHAREHOLDING / BENEFICIARY 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 / Beneficiaries
in _____ [Name of Tenderer]:

Note that the information in the tables hereunder must be completed 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 / Beneficiary Share

Other Entities*:

Full Legal / Trading Name	Entity Registration Number/Trust Number	Shareholding Percentage / Beneficiary Share	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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

[Procurement Practitioner/QS to populate table hereunder as per scope of work for relevant Tender]

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 published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1						
A2						
A3						
	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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 tender 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 tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

OR

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

[Procurement Practitioner/QS to populate table hereunder as per scope of work for relevant Tender]

Eskom Proposed CPA breakdown for Foreign Goods and Service

Formula A						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index published	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1						
A2						
A3						
	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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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 tender 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 tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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:

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)

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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)

Delete which is not applicable (Yes/No)]

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.
- 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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 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

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

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.

Service-related payments

- 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 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:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 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.

[Delete which is not applicable (Yes/No)]

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.,

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.

[Delete which is not applicable (Yes/No)]

OR

Fixed ZAR Option (Payment Method 3)

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:

- 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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 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.

Delete which is not applicable (Yes/No)]

Documents to submit with payment:

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

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

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

[Delete which is not applicable (Yes/No)]

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

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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
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		CONTACT PERSON			
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS		E-MAIL ADDRESS			
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ No [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					

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.	

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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:

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

1.2 To be completed by the organ of state

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

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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 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.
- 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 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

DECLARATION WITH REGARD TO COMPANY/FIRM

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 proprietor
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Trust
- ☐ 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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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

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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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, including Restriction by Eskom, 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

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

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.
- 3.4 There have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the 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.

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	Invitation to Tender	Document Identifier	240-114238630	Rev	28
		Effective Date	07 April 2026		
		Review Date	April 2031		

- 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

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