

	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)

FOR

THE MAINTENANCE, OUTAGE REPAIR SERVICES; THE SUPPLY, TRANSPORTATION, ERECTION AND DISMANTLING OF SCAFFOLDING AND INSULATION MATERIAL FOR BOILER PRESSURE PARTS AND HIGH PRESSURE PIPEWORK FOR 14 (FOURTEEN) FOSSIL FIRED POWER STATIONS FOR A PERIOD OF FIVE (5) YEARS.

Tender number	E3585GXMWP
Issue date	13 October 2026
Closing date and time	11 November 2026 at 10h00
Tender validity period	Twelve (12) weeks from the closing date and time
Clarification meeting	22 October 2026 through Microsoft Teams at 10h00 a.m.
Microsoft Teams link: https://teams.microsoft.com/meet/353074450253481?p=1lvyo4OeDC0OtNXxS3	
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>	

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the maintenance, outage repair services; the supply, transportation, erection and dismantling of scaffolding and insulation material for boiler pressure parts and high pressure pipework for 14 (fourteen) fossil fired power stations for a period of five (5) years.

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/proposal 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



Duky Mchizama

Middle Manager Procurement: Generation Procurement and Supply Chain Management

Date: 13 October 2026

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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	N/A.
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures G1 to G4 as evidence of compliance with this requirement).	Annexure G1	Y
	Annexure C Local Content Declaration- Summary Schedule	Annexure G2	Y
	Annexure D Imported Content Declaration – Supporting Schedule to Annexure C	Annexure G3	N/A.
	Annexure E Local Content Declaration- Supporting Schedule to Annexure C	Annexure G4	N/A.
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.	Annexure K	Y
1.1.12	Reverse e-auction training acknowledgement form (if applicable)	Reverse E-auction Training Acknowledgement Form.docx - Content Suite	N/A.

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Number	Description	Annexure	Attached (Y / N / N/A)
		Platform CE 21.3 (eskom.co.za)	
1.1.13	Reverse e-auction process (if applicable)	Reverse E-auction Process Template - Content Suit Link e Platform CE 21.3 (eskom.co.za)	N/A.
1.1.14	E-tendering Help Manual acknowledgement form	Annexure L	Y
1.1.15	E-tendering Help Manual for supplier	Annexure M	Y
1.1.16	CIDB Contract Skills Development Goals (CSDG) (if applicable) [CSDG is applicable to a contract, or an order issued in terms of a framework agreement that has a duration of 12 months or more, and to: a) a contract of R5 million or more, in the case of a professional service or service contract or an order issued in terms of such a contract; or b) a CIDB grading designation of grade 7 or higher, in case of an engineering and construction works, or design and build contract or an order issued in terms of such a contract. The contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts published in GN 1779, Government Gazette No. 48481 of 28 April 2023].	[To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)]	Y
1.1.17	Contract Participation Goals (CPG) (if applicable) [Note that the requirements of a contract participation goal relating to the engagement of targeted enterprises as established in the aforesaid standard applies to: (a) construction works contracts in the General Building (GB) and to Civil Engineering (CE) classes of construction works; (b) construction works contracts of an estimated minimum project duration of 6 months; and (c) construction works contracts in which at least 25% of the main contract could reasonably be	[To be downloaded from CIDB (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)]	N/A.

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	<i>expected to be subcontracted out in one or more of the following CIDB classes of construction works:</i> <i>i) Civil Engineering (CE)</i> <i>ii) Electrical Engineering Work (EB)</i> <i>iii) General Building Works (GB)</i> <i>iv) Mechanical Engineering (ME)</i>		
1.1.18	Scope of Work	Annexure N	Y
1.1.19	Functionality/ Technical scoring	Annexure O	Y
1.1.20	NEC3 Term Services Contract	Annexure P	Y
1.1.20	Pricing Schedule/BOQ (if not contained in Contract) PDF and a copy in excel format. The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes.	Annexure Q	Y
1.1.22	Supplier Development, Localisation and Industrialisation Strategy	Annexure R	Y

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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: Asanda Mzileni Tel: (011) 800 6131 E-mail: asanda.mzileni@eskom.co.za			
1.3 Tender documents	The Invitation to tender /RFP number is: E3585GXMWP See the content list above for the enquiry documents.			
1.4 Type of Invitation to Tender/ RFP	This enquiry is: 1. An open invitation to tender.			
1.6 Eskom's right to accept or reject any tender	The tender shall be for the [<i>whole /part</i>] of the contract.			
	Cluster 1	Cluster 2	Cluster 3	Cluster 4
	Lethabo	Matimba	Duvha	Grootvlei
	Matla	Medupi	Arnot	Camden
	Kriel	Kendal	Hendrina	
	Tutuka	Kusile		
	Majuba			
	• Eskom intends to award this tender to suppliers provided the price variance of the second and third ranked supplier is not more than 8% when compared with the lowest acceptable tendered price. • Tenderers are allowed to submit offers for one cluster or multiple clusters.			

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Clause Number from Standard Conditions of Tender	Tender Data
	Eskom reserves the right to allocate more than one cluster to one supplier should the tenderer/s who have quoted for the other clusters exceed market related prices after negotiations and refuse to accept mandated negotiation parameters or should there be no further qualified/acceptable tenderer.
2.1 Eligibility	Tenderers, whether a single entity or a JV, must meet the eligibility criteria set out in the Tender Data. Neither the Tenderer nor any of its principals or comprising parties may be subject to any restriction, prohibition, or disqualification from doing business with Eskom or any State-Owned Company. <u>Tenderers are ineligible to submit a tender if:</u> - 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. - Tenderers submit more than one [tender/proposal] either individually or as a party to a JV, except on an E-Tendering system where there is a limit size (the upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). - Tenders submitted by a JV where the JV Agreement does not explicitly contain the specific content required as set out in this ITT. - Tenderers have a conflict of interest. Any 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 involved in this tendering process includes, but is not limited to: - 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;

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Clause Number from Standard Conditions of Tender	Tender Data
	5. Tenders signed by non-authorised persons. 6. Any tenderer that is restricted by National Treasury. 7. Any tenderer on the Tender Defaulters list. 8. Any tenderer and/or its director/s that is restricted by Eskom. 9. 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. Subcontracting is allowed subject to all the terms and conditions of this tender. As such, documents and information provided by subcontractors may be used by Eskom in evaluation and adjudication of the tender to assess whether the tenderer has met all tender requirements and criteria, including without limitation, any mandatory criteria. Where any work or services are intended to be performed or provided through a subcontractor, the tenderer must submit, together with its tender, an indicative or conditional subcontractor agreement, supported by all relevant documentary evidence required for the assessment of the subcontractor against the applicable evaluation phases and criteria.
2.2 - 2.5 Tender Closing	The deadline for <i>Tender submission</i> is: Date: 11 November 2026 Time: 10:00 a.m. SAST Late Tenders will not be accepted. Tenders are uploaded via Eskom Tender bulletin site on the Eskom E- tendering page.
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. 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 PDF format. No Zip/condense files can be uploaded No hard copy will be accepted

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	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 twelve (12) weeks.
2.15 Site visit and/or clarification meeting	A <i>non-compulsory clarification meeting</i> with representatives of Eskom will take place as follows: Date: 22 October 2026 Time: 10h00 Venue: Microsoft Teams (MS Teams link below) Kindly re-visit the websites regularly to confirm if there are any changes made in the Enquiry Documents.
MS Teams link: https://teams.microsoft.com/meet/353074450253481?p=1lvyo4OeDC00tNXxS3	
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are not allowed.
2.33 Cataloguing	Not applicable.
2.34 Provision of Security for Performance	The following forms of security are required for this tender: 1. Performance Bond or Parent Company Guarantee. If the provision of security for performance in the form of a performance bond or a demand guarantee is a requirement, the 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:

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Clause Number from Standard Conditions of Tender	Tender Data						
	Basic compliance for this invitation to tender/ RFP 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/RFP 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 border="1"> <thead> <tr> <th>Functionality Criteria</th><th>Maximum number of points (percentage)</th></tr> </thead> <tbody> <tr> <td>Technical</td><td>100%</td></tr> <tr> <td>Overall Minimum Threshold for Qualification</td><td>80%</td></tr> </tbody> </table> Tenderers who do not meet the threshold for functionality scoring will be disqualified. Note that the requirements for technical functional scoring are in the Technical folder marked Annexure O.	Functionality Criteria	Maximum number of points (percentage)	Technical	100%	Overall Minimum Threshold for Qualification	80%
Functionality Criteria	Maximum number of points (percentage)						
Technical	100%						
Overall Minimum Threshold for Qualification	80%						

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Clause Number from Standard Conditions of Tender	Tender Data
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' 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 90 points.
3.18 Evaluation of Specific Goals	Specific goals will be scored out of 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 system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.
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> • CSD registration. • SHEQ requirements; • Financial viability (submission of financial statements) /

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	(financial analysis is compulsory as a contractual requirement for CIDB-related transactions from R30 000 excluding VAT); and • SDL & I requirements. 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 contract will be the NEC3 Term Services Contract. [For contracts to which CIDB Contract skills development goals (CSDG) are applicable] The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (<i>published in GN 1779, Government Gazette No. 48481 of 28 April 2023</i>).
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are applicable. 1. It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of 9ME. OR; 2. JVs are eligible to submit tenders provided that: - 1. every party to JV is registered with the CIDB. 2. the lead partner has a contractor grading designation in the ME *class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status; 3. the combined contractor grading designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a ME* class of construction work or a

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	value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIBD Regulations. <i>[Please note that only those tenderers that are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works are eligible to submit tenders.</i> <i>Eskom must, within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing, register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.]</i>
2.29 Contract Skills Development Goals (CSDG) is	1. The CSDG applicable to this tender is in terms of the Engineering and Construction Works contract with respect to the 9ME class of works and the applicable percentage is 0.25% and is contained in the relevant BOQ/Pricing schedule attached. <i>[Please note: Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GN 1779, Government Gazette No. 48481 of 28 April 2023) CSDG is applicable to a contract or an order issued in terms of a framework agreement that has a duration of 12 months or more, and to:</i> <i>a) contract of R5 million or more, in the case of a professional service or service contract or an order issued in terms of such a contract; or</i> <i>b) a cidb grading designation of grade 7 or higher, in case of an engineering and construction works, or design and build contract or an order issued in terms of such a contract].</i>
2.30 Contract Participation Goals is	Not applicable.

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Please note:

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

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

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

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

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

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 five (5) working days. If the returnable is not completed, signed if required and/or received by the Procurement Practitioner within five (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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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	Submit a complete tender with commercial, financial and technical information. The price list needs to be submitted in PDF and in excel format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes).	√		
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)	N/A.		
Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures G1 and G2			√
Annexure H (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			√
# Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		√	
Annexure J	SBD 4 – Bidders Disclosure		√	
Reverse e-auction training acknowledgement form		N/A.		
E-tendering Help Manual acknowledgement form			√	
Additional documents required in the event of a joint venture tender: For the purposes of joint ventures, wherever it appears in this ITT: the term “JV” means “joint venture”, and	A JV Agreement, that contains at least all the following terms: 1. the full and correct description of each party to the JV, 2. the rights and obligations of each of the parties to the JV, 3. each party’s profit-sharing ratio, 4. confirmation that the JV will operate as a single business entity for the duration of any tender awarded to and a contract signed with the JV tenderer, and	√		

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includes any type of venture where parties, in co-operation with each other, tender for work or services, irrespective of how such collaboration is named and includes without limitation a consortium, temporary or permanent partnership, or special purpose vehicle and may be incorporated or unincorporated. It does not include the concept of subcontracting, which is dealt with differently, and elsewhere in this ITT, and the term “<i>JV Agreement</i>” means “<i>a document, signed by authorised representatives of every intended JV party, irrespective of the nature of the JV. It may be made conditional only on whether the relevant tender is ultimately awarded to and a contract signed with the JV tenderer</i>”.	5. all the parties to the JV Agreement are and will be jointly and severally liable toward Eskom for the proper execution of any tender awarded to and a contract signed with the JV tenderer.			
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners.			v

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# 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.	Refer to Annexure R - SDL&I.		
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.	√		
NEC3 Term Services Contract Annexure P	NEC Contract completed.		√	

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Pricing schedule - Annexure Q	Completed pricing schedule (if not already submitted in the NEC or other Contract).	√		
	For e-tendering price schedule needs to be submitted in <i>PDF and a copy in excel format</i> . The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes.	√		
	MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Mandatory Contractual Requirement	CSD Registration (CSD number/CSD Report)			√
Annexure R	Supplier Development Localisation & Industrialisation (SDL&I) Strategy.			√
	ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Safety	Safety Requirements: ➤ Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer? ➤ Health and Safety Plan (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements). ➤ Costing for Health and Safety management Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum). • The costing must be based on the overall scope of work/service to be performed;			√

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	- The scope of work and the risk assessment may serve as a guideline. Costing should be limited to PPE and Medical Surveillance ➤ Baseline OHS Risk Assessment (BRA) Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA. ➤ Valid Letter of Good Standing (COIDA or equivalent) ➤ OHS policy signed by CEO The submitted policy must comply to OHS Act Section 7 ➤ OHS Competency - First Aider - HIRA - Incident Investigation - Fire Fighter Safety Officer training (e.g., SAMTRAC /SHEMTRAC, Diploma Safety Management, etc.)			
Quality	Category 1: Quality Requirements SECTION A: Quality Management System Requirements ISO 9001 Option 1: Valid certification of Quality Management System by an ISO accredited body A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant.			v

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	A.2 Certificate by Approved and Authorized certification authority. A.3 Certification Authority has Recognized International Accreditation. A.4 Validity (expiry date) of certificate. SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000) B.1 Documented information for Control of documented information B.2 Documented information for Control of Externally Provided Processes, Products and Services B.3 Risk Management Plan and documented Risks with mitigations in line with Scope Of Work B.4 Approved of management of Non-conformances and Concessions B.5 Documented information as evidence of competence of resources (Procedure on how the organisation determine and evaluate necessary competence of people doing work under your control that affects quality performance . Competence on the basis of appropriate education, training or experience). SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005). NB! Draft Contract/Project Quality Plan has important QA deliverables.			

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	SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000) NB! Draft / Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done. SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000). Customer specific requirements & other standards and required can be listed and evaluated here. E.1 Form A is completed and signed. E.2 Site/Workshop assessment will be conducted as per assessment checklist.			
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. - A signed copy of the public interest score (only applicable to South African entities that are not audited)			v

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	○ 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 an unincorporated JV, each party to the JV must submit its annual financial statements including all items listed above.			
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Functionality/Technical	Functionality will be evaluated on a total weight of 100% with a minimum threshold of 80%. Tenders need to achieve at least the minimum of the weighted score as per the table below for each function to qualify for further evaluation. Overview of the Functionality Criteria Functionality Criteria Maximum number of points (percentage) Technical 100% Overall Minimum Threshold for Qualification 80% All successful tenderers will be physically assessed to ensure that they have the capability and capacity to provide	v		

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	service on boiler maintenance. Those who don't comply will not be considered. The tenders will be expected to score 80% to be prequalified to proceed to the next phase and also 80% on Site Assessment. The contractors will be evaluated over 2 phases: - Phase 1: Evaluation of Tender Documentation; - Phase 2: Site Assessment.			
Suppliers to do a presentation of their capability as part of their submission.			v	

- **Phase 1:** Evaluation of Tender Documentation;

Mandatory Technical Evaluation Criteria:

	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1.	The tenderer must have experience in the maintenance of fossil fired boiler and high pressure piping producing ≥60MW (in line with the scope above) for a minimum combined period of greater or equals to 36	Schedule of Submittals: Tender Technical Returnable. Tenderers to submit traceable Work Orders/Contracts, References and Contract Copy(ies).	The reference work demonstrates the tenderer's capability to execute the Works. The tenderer must provide documented proof as per template provided.

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	months (both Boiler and HP piping).		
2.	Valid Certificate (Certification) of ISO 3834.	Schedule of Submittals: Tender Technical Returnable	Valid Certificate (Certification) of ISO 3834.
3.	Accreditation and management of Asbestos. Provide valid certificate issued by the Department of Employment and Labour	Schedule of Submittals: Tender Technical Returnable	Valid Certificate (Certification) issued by the Department of Employment and Labour shows the legal compliance to manage the handling of Asbestos.

	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Sub Weighting (%)	Criteria Sub Weighting (%)
Levels of Criteria				L1	L2
1.	Technical Capability			30	
	1.1	Proof of design capability for: 1.1.1 Pipework stress analysis 1.1.2 Detailed design drawing CAD drawings 1.1.3 Isometric / arrangement CAD drawings 1.1.4 Code compliant design calculations 1.1.5 Typical erection / repair methodology procedure	100% = 5 80% = 4 40% = 2 Nonresponsive = 0 (Score each item separately and calculate an average final score and round it off to the nearest 0,2,4,5)		20
	1.2	Welding Capability: Welding procedures qualification Records (WPQR) that covers power plant material and thickness ranges. 1.2.1 ISO 15608 Groups 1,5,6 & 8	4 groups = 5 3 groups = 4 2 or 1 group (s) = 2 Nonresponsive = 0 (Score each item separately and		20

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		1.2.2 Thickness cover form 1mm to 100mm per above groups	calculate an average final score and round it off to the nearest 0,2,4,5)		
	1.3	Design of specialised scaffolding Provide details and proof of the designs of specialised scaffolding structure, erection drawings and engineering certification.	Number of Designs ≥5 Designs = 5 3-4 Designs = 4 2 Designs = 2 <2 Designs = 0		20
	1.4	Provide details and proof of the designs and erect scaffolding to a minimum height of 80m, including hanging scaffolding and platforms	Number of Designs ≥5 Designs = 5 3-4 Designs = 4 2 Designs = 2 <2 Designs = 0		20
	1.5	Method Statements and Safe Work Procedure. Provide previous method statement of the following for outages or maintenance and / or construction. 1.5.1 Scaffolding 1.5.2 Insulation 1.5.3 Cladding 1.5.4 Confined spaces 1.5.5 Working at heights 1.5.6 Asbestos handling	Number of Method statements (minimum one for each category) 5-6 categories = 5 3-4 categories = 4 2 categories = 2 < 2 categories = 0		20
2.	Project Management			25	
	2.1	Project plan/schedule: Integrated level 2 programme for previous project executed.	1. >100 activities with duration 2. Successors and predecessors		25

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			3. Demonstrate first and second critical path 4. Resource loading 5. Final updated program 5 items = 5 Items 1, 2, 3 & 5 = 4 Any other combinations of ≤ 4 = 2 Nonresponsive = 0		
	2.2	Project plan/schedule: Project risk assessment and mitigation for previous project	Procedure/Process and example of where it was executed. 100% = 5 80% = 4 40% = 2 Nonresponsive = 0		25
	2.3	Project risk assessment and mitigation for previous project 2.3.1 Scaffolding 2.3.2 Insulation 2.3.3 Cladding 2.3.4 Confined spaces 2.3.5 Working at heights 2.3.6 Asbestos handling	Number of Risk Assessments (minimum one for each category) 5-6 categories = 5 3-4 categories = 4 2 categories = 2 < 2 categories = 0		25
	2.4	Resource Plan: 2.4.1 Resource plan for previous project executed. 2.4.2 Head office organogram including the roles.	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		25

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		2.4.3 Site organograms for previous project executed	(Score each item separately and calculate an average final score and round it off to the nearest 0,2,4,5)		
	Industry involvement			27	
	3.1	3.1.1 Proof of years involved in the maintenance of pressure parts on fossil fired boilers (list of works executed over the period) 3.1.2 Proof of years involved in the maintenance of high-pressure pipework on fossil fired boilers (list of works executed over the period)	>7 years = 5 >3 ≤ 7 years = 4 ≤3 years = 2 Nonresponsive = 0 (Score each item separately and calculate an average final score and round it off to the nearest 0,2,4,5)		34
	3.2	Proof of previous experience in the maintenance of fossil fired boilers (Capacity).	>400MW = 5 >200MW ≤ 400MW = 4 >60MW ≤ 200MW = 2 0 ≤ 60MW = 0		33
	3.3	3.3.1 Proof of years involved in the scaffolding erection (list of works executed over the period) 3.3.2 Proof of years involved in the lagging and cladding insulation (list of works executed over the period)	>7 years = 5 >3 ≤ 7 years = 4 ≤3 years = 2 Nonresponsive = 0 (Score each item separately and calculate an average final score and round it off to the nearest 0,2,4,5)		33
	Ability of Tenderer to execute scope			18	

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	4.1	Provide objective evidence of all installed in-house engineering software packages such as: 4.1.1 Caesar II or Rohr 2 4.1.2 CAD Package 4.1.3 3D Modelling etc.	3 Packages = 5 2 Packages = 4 1 Package = 2 Nonresponsive = 0		34
	4.2	Tenderer to provide objective evidence of a major project or maintenance activity, e.g. General overhaul that the tenderer has previously executed. 4.2.1 Contract value 4.2.2 Contract duration 4.2.3 Manpower	Contract Value >Rm50 = 5; >Rm20 ≤ Rm50 = 4; >Rm5 ≤ Rm20 = 2; ≤Rm5 = 0 Contract duration >60 days = 5; >30 ≤ 60 days = 4; >15 ≤ 30 days = 2 ≤15 days = 0 Peak manpower on site for an outage >200 personnel = 5; >130 ≤ 200 personnel = 4; >80 ≤ 130 personnel = 2 ≤80 personnel = 0 (Score each item separately and calculate an average final score and round it off to the nearest 0,2,4,5)		33
	4.3	Declaration of all expected subcontractors to be used in the contract. Subcontractor to be listed per name and scope.	Submitted = 5 Nonresponsive = 0		33

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				Total: 100	
Phase 2: Site Assessment					
	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Sub Weighting (%)	Criteria Sub Weighting (%)
Levels of Criteria				L1	L2
1.	Maintenance and Erection			45	
	1.1	Method statement: Pressure Parts	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		25
	1.2	Method statements: HP piping	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		25
	1.3	Rigging study (examples)	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		25
	1.4	Method Statements and Safe Work Procedure. Provide previous method statement of the following for outages or maintenance and / or construction. 1.3.1 Scaffolding 1.3.2 Insulation	Number of Method statements (minimum one for each category) 5-6 categories = 5 3-4 categories = 4 2 categories = 2 < 2 categories = 0		25

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		1.3.3 Cladding 1.3.4 Confined spaces 1.3.5 Working at heights 1.3.6 Asbestos handling			
2.	Technical Capability			45	
	2.1	Provide objective evidence and demonstration of all installed in-house engineering software packages such as: 2.1.1 Caesar II or Rohr 2 2.1.2 CAD Package 2.1.3 3D Modelling etc	3 Packages = 5 2 Packages = 4 1 Package = 2 Nonresponsive = 0		30
	2.2	Welding Capability: Welding procedures qualification Records (WPQR) that covers power plant material and thickness ranges	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		40
	2.3	Physical review of design capabilities and experience: 2.3.1 CV's, Qualification experience review of key personnel	100% = 5 80% = 4 40% = 2 Nonresponsive = 0 (Score each item separately and calculate an average final score		30

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		2.3.2 Pipework stress analysis	and round it off to the nearest 0,2,4,5)		
		2.3.3 Detailed design drawing CAD drawings			
		2.3.4 Isometric / arrangement CAD drawings			
		2.3.5 Code compliant design calculations			
		2.3.6 Typical erection / repair methodology procedure			
3.	Project Management			10	
	3.1	Demonstration of actual vs baseline of the project plan including risk and mitigation plan for deviation.	100% = 5 80% = 4 40% = 2 Nonresponsive = 0		100
				TOTAL: 100	

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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, JV, 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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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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D. Certificate for JV

We, the undersigned, are submitting this tender offer in joint venture and hereby authorise Mr/Ms _____, an authorised signatory of _____, being the lead party to the JV, to sign all documents in connection with the tender and any contract that may result from, it on behalf of all the parties to the JV.

This authorisation is evidenced by the attached power of attorney signed by the authorised signatories of all Parties to the JV.

We attach to this Form a certified copy of the JV Agreement.

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 parties to the JV. Attach additional pages if more space is required.

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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)

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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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/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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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 JV (registration or identification number for each party to 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 party) or trust number.	
VAT registration number (for individual companies and each JV party)	
CIDB registration number (for individual companies and each JV party), contractor grading designation (for individual companies and each JV party) and combined CIDB contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each party in the case of a JV)	
Physical address (also of each party 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	

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CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
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.**

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7.1 Confirm if you intend sub-contracting

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

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

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

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

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

7.6 Please confirm B-BBEE level of said sub-contractor _____

7.7 Which designated group does the sub-contractor belong to: -

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

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

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

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

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

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

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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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- (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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- (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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2 DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/ directors/ members/ partners/ owners/ 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/trustees/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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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 JVs. If the tenderer is unincorporated, the tables must be completed for each JV party. 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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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

Each party to the JV must complete all undertakings with regard to the Supplier integrity Pact separately and completely, irrespective thereof that any party to the JV may have been authorised to sign any documents on behalf of the JV.

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, or any party to 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:	

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Signature:	
Designation and capacity:	
Date:	

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ANNEXURE E

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

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

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

1. Application of CPA

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

2. Tender Submissions

Eskom Proposed CPA breakdown for Local Goods and Service

Formula A	Labour					
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	8%	Table D4 - (Project Managers, Site Managers, and Engineers)	Table D4 - Consumer Price Index (CPI)	SEIFSA		
A2	77%	Table C3 - All Hourly Paid	Table C3 - Actual Labour Cost	SEIFSA		
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					

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Formula B Equipment, Consumables & Accommodation						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index published as	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	85%	Table D4	Table D4 - Consumer Price Index (CPI)	SEIFSA		
A2						
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					

Formula C Transport and Transport Equipment						
Index Reference	Proposed portions/Weightings of each index	Description of Index	Full Title of Index published as	Source Publisher of Index	Base Month	Base Price/Base Index Figure
A1	15%	Table C3 - All Hourly Paid (For Driver)	Table C3 - Actual Labour Cost	SEIFSA		
A2	70%	Table L-2(B) - Transport	Table L-2(B) - Road Freight Cost	SEIFSA		
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.

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.

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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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ANNEXURE G1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

- 1.1. Dtic makes provision for the promotion of local production and content.
- 1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where:

x is the imported content in Rand

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

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

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

- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

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Description of services, works or goods

Stipulated minimum threshold

_____	_____ %
_____	_____ %
_____	_____ %

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

(Tick applicable box)

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

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.
The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

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

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

[Annexure G2 – Local Content Declaration - Summary Schedule \(Annex C\)](#)



Adobe Acrobat Document

[Annexure G3 – Imports Declaration – Supporting Schedule to Annex C \(Annex D\)\)](#)



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[Annexure G4 – Local Content Declaration – Supporting Schedule to Annex C \(Annex E\)](#)



Adobe Acrobat Document

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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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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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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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ANNEXURE I

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

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2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

90/10

$$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

90/10

$$Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
 then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

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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)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF ENTITY

- ☐ Partnership or JV
- ☐ 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 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;

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- 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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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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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. Communication between parties to a JV 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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- 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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