

	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

**INVITATION TO TENDER – PURCHASE, CUTTING, COLLECTION AND REMOVAL OF
ELECTROSTATIC STEEL SCRAP MATERIAL FROM LETHABO POWER STATION FOR A
PERIOD OF EIGHTEEN (18) MONTHS, FOR OUTAGES FOR THE SIX (6) UNITS, ON AN “AS
AND WHEN” REQUIRED BASIS.**

Tender Enquiry Number	MWP2741DIS
Tender Issue date	12 SEPTEMBER 2024
Tender Closing date and time	27 SEPTEMBER 2024 at 10h00
Tender validity period	90 Days from Tender Close
Clarification meeting	COMPULSORY VIEWING REQUIRED
Tenders to be submitted to:	Megawatt Tender Office, 1 Maxwell Drive Sunninghill

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		Effective Date	01 June 2021		
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PURCHASE, CUTTING, COLLECTION AND REMOVAL OF ELECTROSTATIC STEEL SCRAP MATERIAL FROM LETHABO POWER STATION FOR A PERIOD OF EIGHTEEN (18) MONTHS, FOR OUTAGES FOR THE SIX (6) UNITS, ON AN “AS AND WHEN” REQUIRED BASIS.

ENQUIRY NUMBER: MWP2741DIS

TENDER CLOSING DATE : 27 SEPTEMBER 2024 @ 10.00 AM

Issue Date:
12 SEPTEMBER 2024

Ref:
MWP2741DIS

Enquiry:
Name: Nico Barendse
Tel: +27 73 505 7841
Email:
barendnd@eskom.co.za

INVESTMENT RECOVERY SECTION

TENDER ENQUIRY No. – MWP2741DIS

Eskom is the owner of the listed electrostatic steel scrap (frames made from tubes and wires, plates, square bars with two heads on both sides, perforated plates, duct covers, baffle plates, guide vanes, nuts, hammers, shafts, anvils, flat sheets, steel pipes, gutters, general ferrous metal, etc) located at **Lethabo Power Station, situated in the Gauteng.**

You are kindly invited to submit an offer to purchase, removal, cutting and loading of electrostatic steel scrap (frames made from tubes and wires, plates, square bars with two heads on both sides, perforated plates, duct covers, baffle plates, guide vanes, nuts, hammers, shafts, anvils, flat sheets, steel pipes, gutters, general ferrous metal, etc) at Lethabo Power Station in the Gauteng as detailed in the Scope of Work and Offer to Purchase

1. INSPECTION AND VIEWING

There will be a **COMPULSORY viewing/clarification meeting for this contract. **NOTE IF YOU DO NOT ATTEND THIS CLARIFICATION MEETING, YOUR TENDER WILL NOT BE EVALUATED.** All enquiries must be directed to **Nico Barendse** at barendn@eskom.co.za for commercial information.**

COMPULSORY VIEWING DATE: THURSDAY, 19 SEPTEMBER 2024
VIEWING TIME: 10:00
VIEWING PLACE: LETHABO POWER STATION

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- COVID-19 REGULATIONS APPLY AND PERSON ATTENDING MUST ADHERE TO ALL PROTOCOLS. IF THE PERSON HAS FLU LIKE SYMPTOMS, THEY WILL NOT BE ALLOWED ONSITE.
- PPE TO BE WORN ON ALL ESKOM SITES ON VIEWING. YOU WILL NOT BE GIVEN ACCESS TO THE SITE IF THE MINIMUM PPE IS NOT WORN. THIS MUST BE SAFETY SHOES, HARD HATS & REFLECTOR VESTS, HEARING PLUGS / PROTECTION AND FACE CLOTH MASKS.

2. SUBMISSION OF THE “OFFER TO PURCHASE”

Your returnable, as submitted by you on the “Offer to Purchase” document must be submitted on **two (2) identical files (complete original, plus one (1) hard copy of the original)** placed in a sealed envelope and marked, **Offer to Purchase Confidential Enquiry No. MWP2741DIS** and submitted as follows:

- by posting in Eskom’s Tender Box situated at, **Megawatt Tender Office, 1 Maxwell Drive Sunninghill**

Please note: **Tenders may ONLY be submitted at this address only.**

The closing date is 10:00am on 27 September 2024

ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!

NO LATE OFFERS WILL BE ACCEPTED!

3. STANDARD CONDITIONS OF TENDER

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, (attached) noted in this letter and any amendments that accompany the TENDER ENQUIRY MWP2741DIS. The tenderer

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

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

4. TENDER RETURNABLES

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

NOTE:

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

**** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Disposal Officer will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Disposal Officer within 5 working days of the request; the tender will be disqualified.**

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

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		Effective Date	01 June 2021		
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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	One original and one exact copy of the original tender to be submitted to Eskom.	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	SBD 4 – Bidders Disclosure		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign Suppliers (with a footprint in South Africa - but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Annexure C	Offer to purchase form (price schedule attached and comments to price schedule)	✓		
Annexure D	Declaration of Interest		✓	

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Annexure E	Integrity Declaration Form		✓	
B-BBEE	Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency		✓	
CSD	Submitted proof of the registration on National Treasury's Central Supplier Database (CSD) registration Report or MAAA registration number (Valid & Current) It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status	✓		
Second-Hand Good Certificate	Second-hand goods act certificate from SAPS/License (for scrap dealers and recyclers) (Valid & Current)		✓	
Company Registration Documents	The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest.		✓	
COID	Valid certificate of good standing		✓	
PLI	Public Liability Insurance		✓	
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
SHEQ Requirements per scope of works	SHEQ Requirements • Health and Safety Requirements • Environmental requirements			✓
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	Technical Requirements • Technical inventory list • Method statement based on scope of work			✓

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

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

5. FINACIAL EVALUATION

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

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

NOTE:

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

6. SCOPE OF WORK

Purchase, removal, cutting, loading and removal of electrostatic steel scrap (frames made from tubes and wires, plates, square bars with two heads on both sides, perforated plates, duct covers, baffle plates, guide vanes, nuts, hammers, shafts, anvils, flat sheets, steel pipes, gutters, general ferrous metal, etc) at Lethabo Power Station in the Gauteng on an "as and when" required basis.

Kindly note that the project can require skips (bin) to be made available by the successful contractor for the duration of the contract.

This is an urgent contract and the requirement from the Power Station; work execution might take place on a 24-hour basis when required. Approval for after hour work must be sought from the Maintenance Supervisor/Manager.

The successful contractors will be required to comply with the below contract obligation.

- The contract will be valid for eighteen (18) months duration, although this is contractual and fixed, the contractor will be required to report to the maintenance supervisor/manager and produce a work plan/schedule to service the Power Station.
- The successful supplier will be required to take all removable electrostatic steel scrap and have it weighed at the weighbridge provided on site, submit weighbridge slip to site supervisor/manager and subsequently email it to the Investment Recovery Officer together with the proof of payment.

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- The successful tenderer will be required to weigh the truck empty and once loaded weigh the truck full.
- Material must be weighed at the weighbridge provided at Lethabo Power Station and not on the supplier's premises.
- Eskom employee or security to accompany truck to the weighbridge to witness the weighing and to get weighbridge slip for every collection.
- All aluminium/copper conductor or aluminium/copper conductor off cuts whether on any salvageable item or not shall remain the property of Eskom at all times. Where the bulk of the material may have to be reworked, stripped or processed away from Eskom premises, then the aluminium/copper conductor and off cuts must be returned to Eskom. This material does not form part of the sale will need to be sorted and separated and remains Eskom property.
- The successful tenderer is required to have sufficient capacity, be in good financial standing and other have the required resources to service this contract at any given point dependent on Eskom's operations.
- The successful tenderer is accountable to clean the site once the collections is completed and ensure the area is cleaned should there be an oil spill, or any other debris left behind.
- Only tenders that comply with the above conditions can submit their responses.

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

The purchaser will be responsible for the safe collection, handling, removal, cutting, loading and transportation of the electrostatic steel scrap as well as to clean the site, qualified labour and suitable certified plant, machinery, equipment, and transport for this purpose.

Payment will be required by the contractor weekly (weighbridge certificates, gate removal permits and reconciliations must be submitted to the Disposal Officer for review and verification every Monday for the duration of the contract. Once reviewed and approved by the Disposal Officer, payment need to be made within 24 hours. If payment is not received, no further collection, handling, removal, cutting, loading will take place. Further, should payment not be made, the contractor will be refused entry to the power station and a Non-Conformance Report (NCR) will be raised.

The release of the equipment/scrap to the new buyer will take place after receipt of payment to Eskom and the buyer acquiring a permit to remove and transport the equipment/scrap.

The goods on sale will be identified by Eskom.

7. PRICE SCHEDULE

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

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Item No.	QTY	DESCRIPTION	PRICE OFFERED (INCLUSIVE VAT)
1	"AS AND WHEN AVAILABLE"	ELECTROSTATIC STEEL SCRAP (FRAMES MADE FROM TUBES AND WIRES, PLATES, SQUARE BARS WITH TWO HEADS ON BOTH SIDES, PERFORATED PLATES, DUCT COVERS, BAFFLE PLATES, GUIDE VANES, NUTS, HAMMERS, SHAFTS, ANVILS, FLAT SHEETS, STEEL PIPES, GUTTERS, GENERAL FERROUS METAL, ETC)	SUPPLIERS WILL BE REQUESTED TO QUOTE FOR THE PRICE PERCENTAGE OF ITAC METAL APPLICABLE FOR THE DURATION OF THE CONTRACT VIA E-AUCTION.

NOTES

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

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		Effective Date	01 June 2021		
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8. ENVIROMENTAL REQUIREMENTS

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

9. GUARANTEE / WARRANTY

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

10. BREACH

Breach of a warranty and undertakings

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

11. OFFERS

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

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

Only the successful tenderer will be notified.

12. VALUE ADDED TAX (VAT)

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

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

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

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		Effective Date	01 June 2021		
		Review Date	June 2027		

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

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

13. VARIATION

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

Yours Faithfully



Nico Barendse
Investment Recovery
Procurement & Supply Chain Management

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		Effective Date	01 June 2021		
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ENQUIRY NO: MWP2741DIS

CLOSING DATE: 27 SEPTEMBER 2024 @ 10H00

CONTACT PERSON: NICO BARENDSE

EMAIL: barendn@eskom.co.za

Commercially required Returnable Documentation:

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

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

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

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		Effective Date	01 June 2021		
		Review Date	June 2027		

LISTINGS

	INVESTMENT RECOVERY OFFER TO PURCHASE FORM INVITATION TO TENDER	MWP2741DIS
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Item No.	QTY	DESCRIPTION	PRICE OFFERED (INCLUSIVE VAT)
1	"AS AND WHEN AVAILABLE"	ELECTROSTATIC STEEL SCRAP (FRAMES MADE FROM TUBES AND WIRES, PLATES, SQUARE BARS WITH TWO HEADS ON BOTH SIDES, PERFORATED PLATES, DUCT COVERS, BAFFLE PLATES, GUIDE VANES, NUTS, HAMMERS, SHAFTS, ANVILS, FLAT SHEETS, STEEL PIPES, GUTTERS, GENERAL FERROUS METAL, ETC)	SUPPLIERS WILL BE REQUESTED TO QUOTE FOR THE PRICE PERCENTAGE OF ITAC METAL APPLICABLE FOR THE DURATION OF THE CONTRACT VIA E-AUCTION.

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

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

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

OFFER SUBMITTED BY – FULL NAME : _____

SIGNATURE : _____

DATE : _____ ID NUMBER : _____

E- MAIL : _____ CONTACT NUMBER : _____

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		Effective Date	01 June 2021		
		Review Date	June 2027		

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

FULL COMPANY NAME: _____

CSD REGISTRATION NUMBER : MAAA_____

BBBEE LEVEL CONTRIBUTOR : _____

CONTACT PERSON NAME: _____

EMAIL ADDRESS: _____

TELEPHONE NUMBER : _____

COMPANY PHYSICAL ADDRESS:

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

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		Effective Date	01 June 2021		
		Review Date	June 2027		

Contact details of contact person:

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

ANNEXURE B

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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

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

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

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		Effective Date	01 June 2021		
		Review Date	June 2027		

determined in accordance with the definition of “control” (as per Companies Act section 2(1).

2. either is a subsidiary of the other; or

3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”.

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

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

Full Name & Capacity/ Position within tenderer (e.g., employee/Director/member/ owner/shareholder)	Identity Number	Confirm and provide details (including employee number) if you are a State/State owned entity employee/contractor/ director.	Full Names & Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration. _____
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If yes, attach proof to this declaration.

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	Is the <i>tenderer/s</i> (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. <i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the Audi alteram partem rule was applied].</i> The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the <i>tenderer/s</i> (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the <i>tenderer/s</i> (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

Joint Ventures

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

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

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

Signature:	
Designation and capacity in which signing	
Date:	

(A copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners is attached to the invitation to tender/Request for proposal).

ANNEXURE C: AUTHORITY TO SUBMIT A TENDER

Indicate the status of the *tenderer* by ticking the appropriate box hereunder. The *tenderer* must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company or organisation document which provides the same information for the relevant category as requested here.

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

A. Certificate for company

I,....., chairperson of the board of directors of....., hereby confirm that by resolution of the board taken on (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

Signed:	Date:

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

B. Certificate for close corporation

I,, member of, hereby confirm that by majority vote of the members taken on (date), Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

Signed:	Date:
Name:	Position: (Member)

C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as hereby authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with the tender offer for Contract and any contract resulting from it on our behalf.

Name	Address	Signature	Date

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

D. Certificate for Joint Venture

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

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

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

Name of firm	Address	Authorising signature, name and capacity
Lead partner		

E. Certificate for sole proprietor

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

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

ANNEXURE D: SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

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

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

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

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

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

ANNEXURE E: SAFETY REQUIREMENT

The following Minimum OHS -related requirements that bidders must address and respond to when submitting their tender returnable are as follows:

<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
A	OHS Legal Requirements to be met by Contractors at Execution Stage		
1.	1. Registration with South African Police Services • Proof of registration as Second-hand dealer • Proof of registration as Recycler	✓	
2.	2. Acknowledgement of Eskom's SHE rules, Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) . Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory	✓	
3.	3. SHE Competency; proof of the following training certificates. • First aid level 2, • Risk Assessor	✓	
4.	4. OHS Legal Appointment letters for the following persons • First aid level 2, • Risk Assessor	✓	
5.	5. Occupational, Health and Safety Plan (OHS Plan) • This must be relevant to the Scope of work.	✓	
6.	6. Health and Safety Policy signed by the CEO or MD, • <i>Company Health and safety Policy signed by CEO or MD. The Health and safety Policy statement must be actionable.</i>	✓	
7.	7. Occupational Health programme • Valid Medical Fitness Certificate for all involved employees issued by the Occupational Medical Health Services/practitioner	✓	
8.	8. Substance Abuse Management	✓	

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		Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
			Effective Date	01 June 2021		
			Review Date	June 2027		
<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>		<u>Yes</u>	<u>No</u>	
	Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours					
9.	Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, Your COID must depict the correct/ relevant nature of business, e.g. scrap metal dealer etc. Copy must be certified not older than 3 months at the date and time of the tender closing	✓				
10.	Baseline Risk Assessment Risk assessment should address all activities involved in collecting scraps.)	✓				

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

ANNEXURE F: ENVIRONMENTAL REQUIREMENTS

Number	Environmental Management System (EMS) Requirements	
1.	Environmental Policy	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.
2.	Emergency preparedness plan (EPP)	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details
3.	Waste Management strategy/Plan	Waste management plan on how waste collected/bought will be Handled, Stored, Transported, Recycled, Reused will be managed. Note: Parts of the scraps that will be disposed should be done at licenced Municipal landfill sites

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

Comments: _____

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

ANNEXURE H

SECTION 37(2) AGREEMENT

CONCLUDED BETWEEN

Eskom Holdings SOC Limited

AND

.....

(Name of contractor/supplier)

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

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

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	Investment Recovery Offer to Purchase Template MWP2741DIS	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2027		

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

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

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

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

Signed this day of 20 at

..... (Place)

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

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

Witnesses

1.
2.

Signed this day of 20 at (Place)

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

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

Witnesses

1.
2.

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