

	Request for Proposal E2086DXKZNOU	Document Identifier	240-114238630	Rev	26
		Effective Date	17 June 2025		
		Review Date	June 2030		

ESKOM HOLDINGS SOC LTD
REQUEST FOR PROPOSAL (RFP)
FOR

The Provision of Outcome-Based Physical Guarding Services and Security Technology Solutions for Three Zones (Pietermaritzburg, Newcastle and Empangeni) in the Eskom Distribution Division, Central East Cluster - KwaZulu Natal Operating Unit for a Period of Sixty (60) Months.

Tender number	E2086DXKZNOU
Issue date	31 October 2025
Closing date and time	28 November 2025 at 10h00a.m.
Tender validity period	Eight (8) Months
Clarification meeting	A non-compulsory "Online MS Teams Meeting will take place as follows: Date: 07 November 2025 Time: 09h00a.m. Microsoft Teams Need help? Join the meeting now Meeting ID: 326 503 636 577 4 Passcode: qh6a3jn3 Dial in by phone +27 21 834 0825, 139461640# South Africa, Cape Town Find a local number Phone conference ID: 139 461 640# For organizers: Meeting options Reset dial-in PIN There will also be a non-compulsory site visit held as follows: Date: 17 November 2025 Time: 09h00a.m. Venue: Eskom, no.1 Portland Road, Mkondeni, Pietermaritzburg; KwaZulu-Natal.

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	This will enable tenderers to view the building to be utilized for the Control Room. Note: - Tenderers that wish to attend the site clarification must inform the Eskom Representative via email to GumedeLC@eskom.co.za and state their company name as well as the number of attendees. - Tenderers that do not attend the clarification meetings will not be disqualified and may still submit proposals.
Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time. Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time	Tenders must be uploaded via the Eskom Tender bulletin site on the Eskom E- tendering page by deadline date. Closing Date: 28 November 2025 Time: 10h00a.m

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Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a **proposal for the provision of outcome based physical guarding services and security technology solutions for three zones (Pietermaritzburg, Newcastle and Empangeni) in the Eskom Distribution Division, Central East Cluster - KwaZulu Natal Operating Unit for a period of sixty (60) months.**

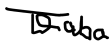
The tender documents are supplied to you on the following basis:

1. Free of charge

Eskom has delegated the management of this Request for Proposal to the Eskom Representative whose name and contact details are set out in the Tender Data. The submission of a proposal by you in response to this Request for Proposal will be deemed as your acceptance of the Eskom Standard Conditions of Tender, uploaded as part of the enquiry documents.

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

Yours faithfully



Procurement Manager – KZN Operating Unit

Thandi Xaba

Date: 31 October 2025

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1.1 Annexures to the Request for Proposal

The following documents listed hereunder are included in this Request for Proposal.

Number	Description	Annexure	Attached
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	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	Y
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content	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	Y
	Annexure E Local Content Declaration- Supporting Schedule to Annexure C	Annexure G4	Y
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.		Y
1.1.14	E-tendering Help Manual acknowledgement form		Y
1.1.15	E-tendering Help Manual for supplier		Y
1.1.18	Scope of Work and Evaluation Criteria		Y
1.1.19	NEC 3 Term Service Contract – Completed in full including the price list on the contract.		Y
1.1.20	Price List (Excel Spreadsheet) – Must also be completed and submitted as an Excell spreadsheet.		Y
	SDL&I, Finance and SHEQ Requirements		Y

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SELECTION OF TENDERING AREA

Please indicate the area for which you are submitting the proposal by ticking in the respective box below:

Note: The Tenderer/Bidder can submit proposal/s for one or more or all Zones as depicted below.

NO.	AREA OF WORK	Tick Applicable Box	
		YES	NO
1	Pietermaritzburg Zone		
2	Empangeni Zone		
3	Newcastle Zone		
4	If you are tendering for any of the Zones, indicate if you are <u>ALSO</u> tendering for the Control Room.		
5	Tendering for the Control Room <u>ONLY</u>		

Tendering Company:

Name of Authorised Person:.....

Signature of Authorised Person:.....

Date:.....

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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. 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: Malungi Sibiya Tel: +27 33 395 7002 E-mail: GumedeLC@eskom.co.za														
1.3 Tender documents	The Request for Proposal (RFP) number is: E2086DXKZNOU All relevant documentation for this RFP will be published on: 1. Eskom’s tender bulletin 2. National treasury’s e-Tender portal <table border="1"> <thead> <tr> <th>SECTION</th><th>Documents are Uploaded in the Relevant Folders/Sections</th></tr> </thead> <tbody> <tr> <td>SECTION 1 – Commercial and Financial</td><td>✓</td></tr> <tr> <td>SECTION 2 - Technical</td><td>✓</td></tr> <tr> <td>SECTION 3 - SDL & I</td><td>✓</td></tr> <tr> <td>SECTION 4 - Quality</td><td>✓</td></tr> <tr> <td>SECTION 5 - Safety</td><td>✓</td></tr> <tr> <td>SECTION 6 - Environmental</td><td>✓</td></tr> </tbody> </table> It is the responsibility of the tendering party to ensure all the required documentation is downloaded, completed and submitted timeously as above.	SECTION	Documents are Uploaded in the Relevant Folders/Sections	SECTION 1 – Commercial and Financial	✓	SECTION 2 - Technical	✓	SECTION 3 - SDL & I	✓	SECTION 4 - Quality	✓	SECTION 5 - Safety	✓	SECTION 6 - Environmental	✓
SECTION	Documents are Uploaded in the Relevant Folders/Sections														
SECTION 1 – Commercial and Financial	✓														
SECTION 2 - Technical	✓														
SECTION 3 - SDL & I	✓														
SECTION 4 - Quality	✓														
SECTION 5 - Safety	✓														
SECTION 6 - Environmental	✓														
1.4 Type of RFP	This RFP is: 1. An open request for proposals														
1.6 Eskom's right to accept or reject any tender	The proposal shall be for the whole/part of the contract. The tenderer/bidder may submit proposal/s for one or more or all Zones.														

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Clause Number from Standard Conditions of Tender	Tender Data
	The outcome may result in the award of a single contract to a single service provider or multiple contracts to multiple service providers. Service providers will be selected using the price and preference scoring system where the highest ranked service providers will be recommended for award. The intention is to award one service provider for each zone, however, should there be one successful service provider, the tender may be awarded accordingly. There may also be a separate service provider for the control room only.
2.1 Eligibility	Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies. <u>Tenderers are ineligible to submit a tender if:</u> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). 3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. 4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is: (a) they have a controlling partner or majority shareholder in common; or (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of

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	another tenderer, or to influence the decisions of the Employer regarding this bidding process; 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. A tenderer that sub-contracts 100% of the Scope of Work Eskom will disqualify tenderers that are found not to have met the eligibility criteria.
2.2 - 2.5 Tender Closing	The deadline for RFP submission is: Date 28 November 2025 Time 10h00a.m. Late submissions will not be accepted. Submissions are to be uploaded via the 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 proposal via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be uploaded under the folders Technical, Commercial, Financial, and others. 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 completed on the NEC3 Term Service contract and submitted in PDF, and a copy in excel format. No Zip/condensed files can be uploaded. No hard copy will be accepted. If for some reason you resubmit your proposal, then only the latest version of the proposal submitted will 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 eight (8) months .
2.15 Site visit and clarification meeting	A non-compulsory "Online MS Teams Meeting will take place as follows: Date: 07 November 2025 Time: 09h00a.m.

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	Microsoft Teams Need help? Join the meeting now Meeting ID: 326 503 636 577 4 Passcode: qh6a3jn3
	Dial in by phone +27 21 834 0825, 139461640# South Africa, Cape Town Find a local number Phone conference ID: 139 461 640# For organizers: Meeting options Reset dial-in PIN There will also be a non-compulsory site visit held as follows: Date: 17 November 2025 Time: 09h00a.m. Venue: Eskom, no.1 Portland Road, Mkondeni, Pietermaritzburg; KwaZulu-Natal. This will enable tenderers to view the building to be utilized for the Control Room. Note: - Tenderers that wish to attend the site clarification must inform the Eskom Representative via email to GumedeLC@eskom.co.za and state their company name as well as the number of attendees. - Tenderers that do not attend the clarification meetings will not be disqualified and may still submit proposals.
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. All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative via the following email address: gumedelc@eskom.co.za All Clarification queries and responses will be published on Eskom's Tender Bulletin and the National Treasury e-Tender Portal. Tenderers are encouraged to continuously check the bulletins for the latest updates or addendums during the tender process, as there may be amendments/additional information included in the tender before the tender closing date.
2.22 Alternative tenders	Alternative proposals are allowed.

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	Alternative proposal(s) are allowed, based only on the following criteria and are subject to acceptance by Eskom: 1. An original RFP must be submitted in response to the request, and additionally include the alternative proposal on the same submission.
2.33 Cataloguing	Not applicable
2.34 Provision of Security for Performance	Tenderers may be required to provide a performance bond if the financial evaluation result of the contractor is negative. 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. 1. ABSA Bank Limited 2. Development Bank of South Africa 3. First Rand Bank Limited 4. Investec Bank Limited 5. Land & Agricultural Development Bank of South Africa 6. Nedbank Limited 7. Standard Bank of South Africa
3.4 Tender Opening	There will be no public opening of tenders. Responses will be downloaded electronically.
3.5 Tender Prices	Prices will not be read out.
3.9 Basic Compliance	Basic compliance with this Request for Proposal requires a tenderer to meet all the following requirements: Basic compliance for this RFP are: 1. Meet the eligibility criteria for a tenderer 2. Submit/upload tender documents electronically on E-Tendering 3. Submit a complete proposal with all the necessary information i.e. commercial, SHEQ, technical information etc. 4. Submission of the mandatory 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.

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	The following are the basic compliance requirements for Commercial <u>Commercial Mandatory Returnable (Disqualifiable)</u> These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender will be disqualified. • Meet the eligibility criteria for a tenderer. • Acceptance of the terms and conditions of the NEC 3 Term Service Contract and a fully priced price list (BOQ). <u>Commercial Mandatory Returnable (Non - Disqualifiable)</u> These returnable are also required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners may request in writing the outstanding returnable to be submitted within five (5) working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within five (5) working days of the request; the tender will be disqualified. • Annexure A - Authorisation form. • Annexure B – Acknowledgement form. • Annexure C - Tenderer's particulars form. • Annexure D - Integrity Declaration form. • Annexure E - CPA Requirements for Local Goods/Services • Annexure F - CPA(IG) for Foreign Goods/Services • Annexure G1 - Fully complete and sign the SBD 6.2 preference claim form in the invitation to tender/request for proposals. • Annexure G2, G3 and G4 – Local Content Declaration (Annexure C,D,E) • Annexure H - Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender. • Annexure I - Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender. • Annexure J - Fully complete and sign the SBD 4 Bidders Disclosure form in the invitation to tender.

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	• Tax Evaluation Questionnaire. • E-tendering Training Acknowledgement Form
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 RFP will be deemed non-responsive. <u>Commercial Evaluation</u> <u>Mandatory Requirements:</u> <u>Commercial Mandatory Returnable (Disqualifiable)</u> These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender will be disqualified. • Meet the eligibility criteria for a tenderer. • Acceptance of the terms and conditions of the NEC 3 Term Service Contract and a fully priced price list (BOQ). <u>Commercial Mandatory Returnable (Non - Disqualifiable)</u> These returnable are also required to be fully completed, signed and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners may request in writing the outstanding returnable to be submitted within five (5) working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within five (5) working days of the request; the tender will be disqualified. • Annexure A - Authorisation form. • Annexure B – Acknowledgement form. • Annexure C - Tenderer's particulars form. • Annexure D - Integrity Declaration form. • Annexure E - CPA Requirements for Local Goods/Services • Annexure F - CPA(IG) for Foreign Goods/Services • Annexure G1 - Fully complete and sign the SBD 6.2 preference claim form in the invitation to tender/request for proposal.

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	- Annexure G2, G3 and G4 – Local Content Declaration (Annexure C,D,E) - Annexure H - Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender. - Annexure I - Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender. - Annexure J - Fully complete and sign the SBD 4 Bidders Disclosure form in the invitation to tender. - Tax Evaluation Questionnaire. - E-tendering Training Acknowledgement Form <u>Commercial Mandatory Tender Returnable for Contract Award</u> The requested returnable (s) are required to be received by the Procurement Practitioner by contract award; failure to provide the document will deem the tender non-responsive. - CSD Registration (MAAA Number) - Valid Tax Clearance Status / Tax Pin <u>Functionality Requirements</u> Compliance to functionality requirements is mandatory (have to be met) to be considered for further evaluations. Functionality evaluation will be a two-part process comprised of desktop and on-site evaluations. Desktop evaluations are sectioned in two phases, wherein the tenderer needs to meet all the requirements of section A in order to be evaluated for section B. On section B, Tenderers are required to achieve a minimum of 70 points out of 100 points to proceed further. On-site functionality will be evaluated on a total weighted score of 50 points with a minimum 30 points required to be considered for selection. Detailed technical evaluation criteria is attached in the Technical Folder.
3.13 Functionality requirements	Functionality requirements are applicable. The following will be applicable for this transaction under functionality criteria:

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	<u>Functionality Requirements</u> Compliance to functionality requirements is mandatory (have to be met) to be considered for further evaluations. Functionality evaluation will be a two-part process comprised of desktop and on-site evaluations. Desktop evaluations are sectioned in two phases, wherein the tenderer needs to meet all the requirements of section A in order to be evaluated for section B. On section B, Tenderers are required to achieve a minimum of 70 points out of 100 points to proceed further. On-site functionality will be evaluated on a total weighted score of 50 points with a minimum 30 points required to be considered for selection. Detailed technical evaluation criteria is attached in the Technical Folder. Tenderers who do not meet the thresholds for functionality scoring will be disqualified.
3.15 Evaluation of Price	Service providers are encouraged to submit proposals in accordance with the PSIRA rates for related items. Prices will be evaluated as follows: Either the 80/20 or 90/10 principle will be applied to rank tenderers. The lowest acceptable proposal will be used to determine the applicable preference system. A maximum of 80 or 90 points will be allocated for price on the following basis: $Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$ Where Ps = Points scored for price of tender under consideration Pt = Price of tender under consideration Pmin = Price of lowest acceptable tender Prices will be evaluated as follows:

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	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 80 or 90 points.																				
3.18 Evaluation of Specific Goals	Specific goals will be scored out of 20 or 10 points in accordance with the PPPFA: Preferential Procurement Regulations 2022. In the event that Tenderers are equal in all respects, they will be evaluated in accordance with the Preferential Procurement Regulations 2022. A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points. <table><tr><th>B-BBEE Level Contributor</th><th>Status of</th><th>Number of points (90/10 system)</th><th>Number of points (80/20 system)</th></tr><tr><td>1</td><td></td><td>10</td><td>20</td></tr><tr><td>2</td><td></td><td>9</td><td>18</td></tr><tr><td>3</td><td></td><td>6</td><td>14</td></tr><tr><td>4</td><td></td><td>5</td><td>12</td></tr></table>	B-BBEE Level Contributor	Status of	Number of points (90/10 system)	Number of points (80/20 system)	1		10	20	2		9	18	3		6	14	4		5	12
B-BBEE Level Contributor	Status of	Number of points (90/10 system)	Number of points (80/20 system)																		
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3		6	14																		
4		5	12																		

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		Effective Date	17 June 2025		
		Review Date	June 2030		

Clause Number from Standard Conditions of Tender	Tender Data		
	5	4	8
	6	3	6
	7	2	4
	8	1	2
	Non-compliant contributor	0	0
NB: The following documents are required to claim preference points, • Valid BBBEE certificate issued by a SANAS accredited verification agency or a valid sworn affidavit or a valid BBBEE Certificate issued by CIPC for EME companies or for joint ventures a valid BBBEE certificate issued by a SANAS accredited verification agency in the name of the joint venture <u>NB: Supporting documents may be requested during evaluation (This list is not exhaustive):</u> • Proof of ownership / shareholding (CIPC registration documentation) inclusive of shareholding breakdown • ID copies of shareholder(s) or owner(s) of the business • Proof of Disability of owner(s) of the business (where applicable) Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but • May only score points out of 90/80 for price • Scores 0 points out of 10/20 for specific goals			
3.19 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring system for either the 90/10 or 80/20. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest. The lowest acceptable proposal will be used to determine the applicable preference system.		

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	Service providers will be selected using the determined price and preference scoring system where the highest ranked service providers will be recommended for award. The tenderer/bidder may submit proposals for one or multiple zones and they will be ranked for the zone/s for which they have submitted proposals. The intention is to award one service provider for each zone therefore the outcome may result in the award of multiple contracts to multiple service providers or a single contract to a single service provider. There may also be a separate service provider for the control room. In the event that there are sufficient compliant tenderers and there’s only one tenderer who is the highest ranked in all the zones, the highest ranked tenderer may be given the option to select one zone and the other tenderers may be considered for other zones as the intention is to award each service provider for each zone.															
3.20 Objective Criteria	Objective criteria are applicable. The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award. Designated Sectors When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer <table><tr><td></td><td>YES</td><td>NO</td></tr><tr><td>a) Is this Commodity or part of it a Designated Sector?</td><td>☒</td><td>☐</td></tr></table> Please indicate below Designated Compon <table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Electrical and telecom cables</td><td>Low Voltage Cable, Telecom Cables</td><td>90%</td></tr><tr><td>Steel Value-added Products</td><td>Fabricated Structural Steel</td><td>100%</td></tr></table>		YES	NO	a) Is this Commodity or part of it a Designated Sector?	☒	☐	Commodity	Components	Local Content Threshold	Electrical and telecom cables	Low Voltage Cable, Telecom Cables	90%	Steel Value-added Products	Fabricated Structural Steel	100%
	YES	NO														
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	Steel Value-added Products	Joining Components	100%
	Steel Value-added Products	Fasteners	100%
	Plastic Pipes	Polyvinyl chloride (PVC) pipes	100%
	Two Way radio Terminals and associated equipment	Portable radios – for static guarding sites Mobile radios – for vehicle patrols and escorts Repeaters – that must be installed at the security company's offices or control	60%
	Industrial Lead Acid Batteries	Acid Batteries	50%
	Cement	Cem I Cem II Cem III Cem IV Cem V Masonry Cement	100%
	Textile, clothing, leather and footwear sector	All protective clothing eg. thermal jackets, pants, shirts, socks, overalls, etc	100%
NOTE: SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) is a tender returnable and is a condition for contract award.			
<u>Mandatory Subcontracting as condition of award</u> If feasible subcontracting on contracts above R30 million will apply as a condition for contract award. Tenderers shall subcontract up to 30% of the contract value to the following designated groups: • an EME or QSE which is at least 51% owned by black people; • an EME or QSE which is at least 51% owned by black people who are youth; • an EME or QSE which is at least 51% owned by black people who are women;			

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	- an EME or QSE which is at least 51% owned by black people with disabilities; - an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships; - a cooperative which is at least 51% owned by black people; - a EME or QSE which is at least 51% owned by black people who are military veterans NOTE 1: Tenderers shall submit the following returnables for Subcontracting - Subcontracting agreement signed by both parties <u>or</u> - Copies of signed letters from the tenderer to the sub-contractors stating the intent to sub-contract - Subcontractors' Company registration documents - Subcontractor's valid BBEE certificate issued by a SANAS accredited verification agency or valid sworn affidavit or valid BBEE Certificate issued by CIPC for EME companies Potential scope to be subcontracted and/or outsourced: Armed Response Supplier of Drones Specialised Personnel – Drone Operators Specialised technology installation and maintenance Dog and Dog Handlers Subcontracting, in this instance, will be treated as a condition for contract award. A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

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Contractual Requirements	The following requirements form part of the contractual requirements: • Safety • Quality • Environmental • Finance • SDL&I The following are required at contract award: • CSD Registration (MAAA Number) • Valid Tax Clearance Status / Tax Pin Tenderers still in the running for this contract will be evaluated in terms of their contractual requirements. Should they not pass the initial evaluation they will be advised of their shortcomings and have seven (7) working days in which to correct their shortcomings or submit the outstanding documents. Failure to correct the shortcomings or submit the outstanding documents within the stipulated time will result in the tender/proposal being deemed unacceptable in terms of their contractual requirements and will not be evaluated further.

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	Quality Requirements <table><tr><td rowspan="4"></td><td rowspan="4">Supplier Quality Management: List of Tender Returnables Documents</td><td>Unique Identifier</td><td>240-12248652</td></tr><tr><td>Revision</td><td>7</td></tr><tr><td>Effective Date</td><td>2022/01/26</td></tr><tr><td>Specification</td><td>240-105658000</td></tr><tr><td colspan="2">Category 2 : Quality Requirements</td><td colspan="2">Deliverables to be evaluated indicator = 1</td></tr><tr><td colspan="4">SECTION A : Quality Management System Requirements ISO 9001</td></tr><tr><td colspan="4">(Option 1) Valid certification of Quality Management System by an ISO accredited body</td></tr><tr><td colspan="2">A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant</td><td colspan="2">Apply = 1</td></tr><tr><td colspan="2"></td><td colspan="2">1</td></tr><tr><td colspan="2">A.2 Certificate by Approved and Authorized certification authority</td><td colspan="2">1</td></tr><tr><td colspan="2">A.3 Certification Authority has Recognized International Accreditation</td><td colspan="2">1</td></tr><tr><td colspan="2">A.4 Validity (expiry date) of certificate</td><td colspan="2">1</td></tr><tr><td colspan="2">Section A Score Option 1</td><td colspan="2">4</td></tr><tr><td colspan="4">SECTION A : Quality Management System Requirements ISO 9001</td></tr><tr><td colspan="4">(Option 2) Objective evidence of documented QMS that is not certified but complies with ISO 9001</td></tr><tr><td colspan="2"></td><td colspan="2">Apply = 1</td></tr><tr><td colspan="2">A.1 QMS Manual or a document that defines and describes the QMS and its scope</td><td colspan="2">1</td></tr><tr><td colspan="2">A.2 Quality Policy Approved by top management.</td><td colspan="2">1</td></tr><tr><td colspan="2">A.4 Control of documented information (i.e. document and record control)</td><td colspan="2">1</td></tr><tr><td colspan="2">Clause 7.5 of ISO 9001:2015</td><td colspan="2">1</td></tr><tr><td colspan="2">A.6 Documented information for Nonconformity and Corrective action</td><td colspan="2">1</td></tr><tr><td colspan="2">Clause 10.2 of ISO 9001:2015</td><td colspan="2">1</td></tr><tr><td colspan="2">A.7 Documented information for Internal audit</td><td colspan="2">1</td></tr><tr><td colspan="2">Clause 9.2 of ISO 9001:2015</td><td colspan="2">1</td></tr><tr><td colspan="2">Section A Score Option 2</td><td colspan="2">5</td></tr><tr><td colspan="4">SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</td></tr><tr><td colspan="2"></td><td colspan="2">Apply = 1</td></tr><tr><td colspan="2">B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role)</td><td colspan="2">1</td></tr><tr><td colspan="2">(Clause 5.3 of ISO 9001:2015)</td><td colspan="2"></td></tr><tr><td colspan="2">B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)</td><td colspan="2">1</td></tr><tr><td colspan="2">Section B Score</td><td colspan="2">2</td></tr><tr><td colspan="4">SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).</td></tr><tr><td colspan="4">Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</td></tr><tr><td colspan="2">NB! 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	<u>Financial Requirements</u> The analysis of the tenderers' financial statements is not a criterion for the purposes of the scoring and awarding of points or the determination of competitive ranking, but to determine if the tenderers are financially stable enough to execute the contract / order of the magnitude to be awarded. Requirements for Financial Evaluation of Companies - Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether: - Whether the AFS were internally or externally prepared. - Whether the company was owner managed or not owner managed. The PIS does NOT apply to companies that have been AUDITED. - Latest approved financial statements including comparative amounts. AFS must be valid and not outdated, received within 18 months after year-end. - A signed director's / member's report. - Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above. Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted. - Approved Annual Financial statements must comprise : - o Statement of financial position (Balance Sheet) - o Statement of comprehensive income (income statement) - o Statement of changes in Equity - o Statement of cash flows - o Notes to the financial statements - o ITA 34C Income Tax Assessment for companies that have NOT been AUDITED. The ITA-34C assessments must be provided for the current and previous financial years. The turnover amount shown in the income statement must

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	correspond to the amount shown in the ITA-34C. Should the amounts not correspond, a financial analysis will not be performed. - The notes to the AFS specifically referring to Accounts Receivable and Accounts Payable must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest. - The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest. - Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates. - Name of Holding company if the company is a subsidiary company. - Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage. - Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information. Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage. The following mitigating factors may as a minimum, be implemented if the financial evaluation result of the contractor is negative: - Obtaining a performance bond from a financial institution that has been pre-approved by Eskom's Treasury department. - A parent company guarantee, provided that the parent company is financially sound enough to stand as surety for the

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	subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis. • A reduced contract may be recommended; or • Payment upon delivery of a milestone activity or milestone goods

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	<u>Supplier Development Localisation & Implementation</u> Tenderers who complete and submit the objectives as required, but who do not meet Eskom's targets, will not be disqualified. SDL&I objectives do not form part of scoring but commitments will form part of contractual obligations Transformation – BBBEE Improvement or Retention Plan Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development. Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract. Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher. Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of

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	the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract. Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract. NB: A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate Local Procurement Content "Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component. Tenderers are required to submit their proposals in the table below.

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	<table><tr><td rowspan="2">Local Procurement Content</td><td>Eskom target</td><td>Tenderer Proposal</td></tr><tr><td>100%</td><td></td></tr></table> 1. Procurement spend on entities with a minimum 51% black ownership The winning tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both: - the indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups; and - direct spend on goods and services supplied by the subcontractors for the execution of the scope of work. Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below. <table><tr><th>Procurement Designated Group</th><th>from Eskom Target</th><th>Tenderer Proposal</th></tr><tr><td>Black Owned</td><td>4.0%</td><td></td></tr><tr><td>Black Women Owned</td><td>3.0%</td><td></td></tr><tr><td>Black Youth Owned</td><td>2.0%</td><td></td></tr><tr><td>Black Persons with Disability</td><td>1.0%</td><td></td></tr></table>	Local Procurement Content	Eskom target	Tenderer Proposal	100%		Procurement Designated Group	from Eskom Target	Tenderer Proposal	Black Owned	4.0%		Black Women Owned	3.0%		Black Youth Owned	2.0%		Black Persons with Disability	1.0%	
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	Jobs. Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract. <table><tr><th>Jobs to be created</th><th>Jobs to be retained</th></tr><tr><td></td><td></td></tr></table> Skills development Tenderers are required to submit proposals in a table below for developing the skills of unemployed candidates in the country. Skills development is intended to address Eskom’s core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from the Kwa Zulu Natal area, and their composition shall be representative of the population demographics of South Africa. <table><tr><th>Skill type / Occupation</th></tr><tr><td>Drone Training</td></tr><tr><td>Armed Response Training</td></tr><tr><td>Technical Training for Operating Security Systems</td></tr><tr><td>Physical Guarding Grade C</td></tr><tr><td>Physical Guarding Grade B</td></tr><tr><td>Physical Guarding Grade A</td></tr></table>	Jobs to be created	Jobs to be retained			Skill type / Occupation	Drone Training	Armed Response Training	Technical Training for Operating Security Systems	Physical Guarding Grade C	Physical Guarding Grade B	Physical Guarding Grade A
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	Note: The supplier is to deliver on 1 skill for every R3 million invoiced to Eskom. The skills will be taken from the list of skill types above unless negotiated otherwise with SDL&I, Eskom. The final skills delivered will therefore be dependent on the total value of the invoices. The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills. Note: That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives. SDL&I Penalty and Performance Security Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations. For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon: - Eskom receives the SDL&I progress report/s from the contractor. - Fulfilment of all SDL&I obligations by the contractor.

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	- Submission of an approved compliance report by SDL&I Department. Reporting and Monitoring - The suppliers shall on a yearly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above. - Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met. - Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked. - Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments
3.24 Contractual Conditions	The conditions of contract will be the: - NEC3 Term Service Contract (TSC3) - Objective Criteria NEC3 Term Service Contract (TSC3) with the following main option: Option A: Priced contract with price list Dispute Resolution Option W1: Dispute resolution procedure Secondary Options X1: Price adjustment for inflation X2: Changes in the law X3: Multiple currencies X4: Parent company guarantee X12: The Partnering Option X13: Performance Bond X17: Low service damages X18: Limitation of liability X19: Task Order

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Clause Number from Standard Conditions of Tender	Tender Data																														
	X20:Key performance indicators Z: Additional conditions of contract Objective Criteria: The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award. Designated Sectors When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer <table><tr><td></td><td>YES</td><td>NO</td></tr><tr><td>a) Is this Commodity or part of it a Designated Sector?</td><td>☒</td><td>☐</td></tr></table> Please indicate below Designated Compon <table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Electrical and telecom cables</td><td>Low Voltage Cable, Telecom Cables</td><td>90%</td></tr><tr><td>Steel Value-added Products</td><td>Fabricated Structural Steel</td><td>100%</td></tr><tr><td>Steel Value-added Products</td><td>Joining Components</td><td>100%</td></tr><tr><td>Steel Value-added Products</td><td>Fasteners</td><td>100%</td></tr><tr><td>Plastic Pipes</td><td>Polyvinyl chloride (PVC) pipes</td><td>100%</td></tr><tr><td>Two Way radio Terminals and associated equipment</td><td>Portable radios – for static guarding sites Mobile radios – for vehicle patrols and escorts Repeaters – that must be installed at the security company's offices or control</td><td>60%</td></tr><tr><td>Industrial Lead Acid Batteries</td><td>Acid Batteries</td><td>50%</td></tr></table>		YES	NO	a) Is this Commodity or part of it a Designated Sector?	☒	☐	Commodity	Components	Local Content Threshold	Electrical and telecom cables	Low Voltage Cable, Telecom Cables	90%	Steel Value-added Products	Fabricated Structural Steel	100%	Steel Value-added Products	Joining Components	100%	Steel Value-added Products	Fasteners	100%	Plastic Pipes	Polyvinyl chloride (PVC) pipes	100%	Two Way radio Terminals and associated equipment	Portable radios – for static guarding sites Mobile radios – for vehicle patrols and escorts Repeaters – that must be installed at the security company's offices or control	60%	Industrial Lead Acid Batteries	Acid Batteries	50%
	YES	NO																													
a) Is this Commodity or part of it a Designated Sector?	☒	☐																													
Commodity	Components	Local Content Threshold																													
Electrical and telecom cables	Low Voltage Cable, Telecom Cables	90%																													
Steel Value-added Products	Fabricated Structural Steel	100%																													
Steel Value-added Products	Joining Components	100%																													
Steel Value-added Products	Fasteners	100%																													
Plastic Pipes	Polyvinyl chloride (PVC) pipes	100%																													
Two Way radio Terminals and associated equipment	Portable radios – for static guarding sites Mobile radios – for vehicle patrols and escorts Repeaters – that must be installed at the security company's offices or control	60%																													
Industrial Lead Acid Batteries	Acid Batteries	50%																													

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Clause Number from Standard Conditions of Tender	Tender Data		
	Cement	Cem I Cem II Cem III Cem IV Cem V Masonry Cement	100%
	Textile, clothing, leather and footwear sector	All protective clothing eg. thermal jackets, pants, shirts, socks, overalls, etc	100%
	NOTE: SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) is a tender returnable and is a condition for contract award. <u>Mandatory Subcontracting as condition of award</u> If feasible subcontracting on contracts above R30 million will apply as a condition for contract award. Tenderers shall subcontract up to 30% of the contract value to the following designated groups: • an EME or QSE which is at least 51% owned by black people; • an EME or QSE which is at least 51% owned by black people who are youth; • an EME or QSE which is at least 51% owned by black people who are women; • an EME or QSE which is at least 51% owned by black people with disabilities; • an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships; • a cooperative which is at least 51% owned by black people; • a EME or QSE which is at least 51% owned by black people who are military veterans NOTE 1: Tenderers shall submit the following returnables for Subcontracting • Subcontracting agreement signed by both parties <u>or</u> • Copies of signed letters from the tenderer to the sub-contractors stating the intent to sub-contract • Subcontractors' Company registration documents		

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Clause Number from Standard Conditions of Tender	Tender Data
	- Subcontractor's valid BBEE certificate issued by a SANAS accredited verification agency or valid sworn affidavit or valid BBEE Certificate issued by CIPC for EME companies Potential scope to be subcontracted and/or outsourced: Armed Response Supplier of Drones Specialised Personnel – Drone Operators Specialised technology installation and maintenance Dog and Dog Handlers Subcontracting, in this instance, will be treated as a condition for contract award. A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

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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

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 fully completed, signed and submitted with the tender at Tender closing date and time. If not fully completed, signed and/or submitted by tender closing, the tenderer will be disqualified.

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

These returnables are required to be fully completed, signed and submitted with the 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 may, in writing, request the

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tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within five (5) working days of the request, the tenderer will be disqualified.

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.

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable)**	Returnable required prior to Contract Award.
Basic Compliance	Electronic copy of the tender in PDF format. The Price List must be completed and submitted as an Excell spreadsheet as well as a PDF format on the NEC3 Term Service contract. (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)		√	
Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4		√	
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		√	

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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.
E-tendering Help Manual acknowledgement form	Completed in full.		√	
Additional Documents required in the event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		√	
# Specific Goals	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.		√	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.			√
Tax Evaluation Questionnaire	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		√	

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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.
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)			√
NEC3 Term Services Contract	NEC3 Term Services Contract must be completed in full. NB: Acceptance of the terms and conditions of the NEC 3 Term Service Contract and a fully priced price list (BOQ).	√		
Pricing schedule	The Price List must be completed and submitted as an Excell spreadsheet as well as a PDF format on the NEC3 Term Service contract. The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes.	√		
	MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Mandatory Contractual Requirement	Proof of valid and current: - CSD Registration (MAAA Number) and - Valid Tax Clearance Status / Tax Pin			√
	ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		√	

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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.
	Any other documents required as per the Safety Requirements			
Quality	Documents required as per the Quality Requirements		√	
Environmental	Documents required as per the Environmental Requirements		√	
Due Diligence/financial analysis	Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. In the case of a joint venture or special purpose vehicle (SPV) specially formed for this tender, audited financial statements for each participant in the JV / SPV must be submitted. Start-up enterprises formed within the last 12 months are not required to submit audited financial statements, but if successful in this Request for Proposal; will be required to furnish statements for the first year once available. Documents required as per the Financial Requirements		√	
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Functionality/Technical	Tender returnables to be submitted as per the requirements stated in the Technical folder.	√		

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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, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

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

A. Certificate for company

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

Signed:	Date:
Name:	Position:

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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 Joint Venture

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

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

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

Name of JV member	Address	Authorised signature, name and capacity
Lead member		
Member		
Member		
Member		

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

E. Certificate for sole proprietor

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

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

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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 Request for 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 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 Request for Proposal ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Request for Proposal 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. ☐

Request for Proposal No: _____

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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 Joint venture (registration number for each member of the JV)	
Incorporated JV	
Other	

Please complete the following:

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

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

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

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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 Request for Proposal, tenderers must complete 7.1 to 7.9.**

7.1 Confirm if you intend sub-contracting

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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 the proposal 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 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 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 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

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 **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.

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners/turstees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		

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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 in full for each tenderer (including incorporated JVs). If the tenderer is an unincorporated JV, the tables must be completed for each JV member. Please add additional rows if required.

Individuals:

Full Name	Identity Number	Shareholding Percentage / 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 proposal may be rejected, and that Eskom will act against the tenderer should any aspect of this declaration prove to be false, and

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

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

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

Joint Ventures

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

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

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

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

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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 proposal, 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						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1						
A2						
A3						
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

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

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Eskom CPA Conditions/Requirements

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

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

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

OR

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

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ANNEXURE F

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

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

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

1. Application of CPA

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

2. Tender Submissions

Eskom Proposed CPA breakdown for Foreign Goods and Service

Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1						
A2						
A3						
	15%	<i>Fixed portion not subject to CPA</i>				
Total	100%					

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

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Eskom CPA Conditions/Requirements

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

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

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

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PAYMENT OF FOREIGN COMMITMENTS

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

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

Tenderers: -

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

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

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

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

Payment Method 1A:

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

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

Documentation to be submitted with payment:

- Commercial invoice (from the foreign supplier)

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Import payments

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

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

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

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

Service- related payments

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier)

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

OR

Payment Method 1B:

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

Please note:

- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
 - Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.

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- Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
- Copy of the latest application to the Reserve Bank to renew the approval.
- Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

Documents to submit with payment:

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

Import payments

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

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

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

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

All documents submitted to Eskom should not have any alterations.

The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.

Service-related payments

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of: -
 - A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
 - A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

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Documents to submit with payment:

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

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

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

OR

Payment Method 2:

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well

As the intended payment date, which will be as per the agreed payment terms.

Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

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

Documents to submit with payment:

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

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

- Marine/ ocean bill of lading

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

NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

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

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

OR

Fixed ZAR Option (Payment Method 3)

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

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

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

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

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[Delete which is not applicable (Yes/No)

Documents to submit with payment:

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

Import payments

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

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

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

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

Documents to submit with payment:

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

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

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

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

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

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Take note of the following:

Service-related payment:

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

1) Secondment

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

Documents to be attached for payment:

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

2) Payroll Transfer

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

PART 2: EXCHANGE RATES

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

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

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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.

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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
Electrical and telecom cables	90
Steel Value-added Products (Fabricated Structural Steel)	100
Steel Value-added Products (Joining Components)	100 %
Steel Value-added Products (Fasteners)	100
Plastic Pipes	100
Two Way radio Terminals and associated equipment	60 %
Industrial Lead Acid Batteries	50
Cement	100
Textile, clothing, leather and footwear sector	100 %

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

(Tick applicable box)

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content 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 request for proposal 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

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paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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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					

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IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

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

1.2 To be completed by the organ of state

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

1.3 Points for this tender 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 request for proposal are allocated as follows:

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

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- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this request for proposal to claim points for specific goals with the proposal, 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 the proposal is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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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) 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.)

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

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8	1	2		
Non-compliant contributor	0	0		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole proprietor
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Trust
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

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- (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 request for proposal. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, Eskom requires the tenderer to make this declaration in respect of the details required hereunder.

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

2. TENDERER'S DECLARATION

- 2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state?

[YES/NO]

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

Full Name	Identity Number	Name of State Institution

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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. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 There have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not

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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 invitation relates.

- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and/or the tenderer maybe restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

I ACCEPT THAT THE STATE MAY REJECT THE PROPOSAL/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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