

	Invitation to Tender The supply and delivery of ready mix and yard stone required within Limlanga Cluster, Mpumalanga MWP1218DX	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2025		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

The supply and delivery of ready mix for the following strengths, 10, 15, 20, 25, 30, 35 & 40 MPAs and yard stone between 26mm and 37mm required within Limlanga Cluster Mpumalanga 3 Zones Emalahleni, Ermelo and Mbombela.

Clearly indicate for which Zone you are tendering for.

A contract will be awarded **to only one contractor** per zone, Emalahleni or Ermelo or Mbombela based on the highest scoring on PPPFA points.

Clearly indicate for which Zone you are tendering for and please indicate Yes or No below.

Emalahleni		Ermelo		Mbombela	
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Tender number	MWP1218DX
Issue date	18 March 2022
Closing date and time	03 May 2022 Closing at 10h00am
Tender validity period	120 days from the closing date and time
Clarification meeting	A non-compulsory MS Teams clarification meeting will be held on 30 March 2022 at 14h00pm MS Teams link will be posted closer to the time and put on the tender Questions and answer sheets
Tenders are to be delivered to the following address on the stipulated closing date and time:	MWP Tender Office Retail Centre 1 Maxwell Drive Sunninghill

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Please note:

Eskom reserves the right to make use of the e-auctioning process on this transaction (refer to Annexure A1 and Annexure A2 and E-auction user guide).

The tenderers will submit a complete tender without prices as stated in the enquiry when following the reverse e-auction process.

SUBMITTING OF TENDER DOCUMENTS

- All documents must be bonded securely and clearly marked as follows;
 - Tender Number
 - Tender Title
 - Tender Closing Date and Time
 - Supplier Name
- Rubber bands are not binders and may not to be used to hold papers together.
- No loose pages or documents are allowed. Where loose papers or documents are submitted, Eskom will not be held responsible for the lost pages or documents.
- The submission files must all be indexed for ease of locating mandatory and other documents.
- No loose pages or documents may be submitted.
- Commercial and SDL&I Mandatory returnables and other documents must be submitted in one file, indexed and marked clearly.
- Technical Mandatory returnables and other documents must be submitted in one file indexed and marked clearly.
- Contractual requirements returnables may be submitted as separate bonded documents, e.g., SHE, Quality and Environmental. Clearly marked as Contractual Requirements, indexed and marked clearly. No loose pages within these documents.

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- The SDL&I returnables must be combined into the Commercial file and indexed in the beginning of the file.

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Invitation to tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender **The supply and delivery of ready mix for the following strengths, 10, 15, 20, 25, 30, 35 & 40 MPAs and yard stone between 26mm and 37mm required within Limlanga Cluster Mpumalanga 3 Zones Emalahleni, Ermelo and Mbombela.**

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

- Free of charge

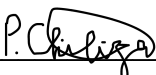
Eskom has delegated the responsibility for this tender to the Eskom Representative whose name and contact details are set out in the Tender Data. A submission of a tender/proposal by you in response to this Invitation will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

Tender documentation can be downloaded from the following:

1. <http://tenderbulletin.eskom.co.za/>
2. www.etenders.gov.za

Queries relating to these Invitation documents may be addressed to the Eskom *Representative*.

Yours faithfully



Procurement Manager

Pumezile Makeba

Date: 14 March 2022

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The following documents listed hereunder are attached to this enquiry

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Yes
6.2	*Tenderer's particulars	Annexure B	Yes
6.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Yes
6.4	CPA Requirements for Local Goods/Services	Annexure D	N/A
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F	Yes
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Yes
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts] .	Not applicable	No
6.10	Supplier Development & Localisation (SDL&I) Undertaking	Annexure I	Yes

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

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: Teresa Bronkhorst Tel: +27 (0)11 709 3700 E-mail: BronkhTB@eskom.co.za
1.3 Enquiry documents	The Invitation to tender number is: MWP1218DX
1.4 Type of Invitation to Tender	This invitation is: An open tender.
1.6 Eskom's rights to accept or reject any tender	The tender shall be for part of contract only. Indicate for which Zone you are tendering for? The reverse e-auction process will be applicable to award a contract to one service provider per Zone (Emalahleni, Ermelo and Mbombela). Due to the delivery range of Ready Mix which cannot be transported for more than 150km. In total the number of suppliers to be awarded is a minimum of 1 per Zone. A contract will be awarded to only one contractor evaluated per zone as per the highest scoring points on PPPFA.
2.1 Eligible tenders	Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies. Tenderers are deemed ineligible to submit a tender if • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed 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.

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	• Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium. • Tenders submitted by a JV or consortium where the JV or consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: ○ (a) they have a controlling partner/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 another Tenderer or influence the decisions of the Employer regarding this bidding process. • Tenders signed by non- authorized persons. • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers). • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations). • Any tenderer that is restricted by National Treasury. • A tenderer that sub-contracts 100% Scope of Work. Ineligible tenderers will be disqualified.
2.2 -2.5 Tender Closing	The deadline for <i>Tender</i> submission is: Date: 03 May 2022 Time: 10h00am Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: THE TENDER OFFICE MWP Tender Office Retail Centre 1

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	Maxwell Drive Sunninghill CLEARLY MARKED: CONFIDENTIAL TENDER NO: MWP1218DX NOTE: No emailed or faxed tenders will be accepted. Tenders must be hand delivered to the above address.
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) exact hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. Where a Tenderer does not submit 1 exact hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is 120 calendar days .
2.16 Site/clarification meetings	A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows. Date: 30 March 2022 Time: 14h00pm Venue: on-line via MS Teams. Please follow the link on page 1 to connect onto Microsoft Teams to participate in the clarification. It should be noted that all presentations shared in the clarification will be published on www.eskom.co.za tender portal for the benefit of all tenderers.
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is (5) working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	The conditions of contract will be the NEC3 Supply Contract (SC3).
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.

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3.5 Prices to be read out	Prices will not be read out
3.9 Basic Compliance	Step 1 - Basic compliance (Commercial Evaluation Requirements) Basic Compliance and Responsiveness for this tender – all criteria mentioned are mandatory to determine the commercial acceptability per tender. • Meet the eligibility criteria for a tenderer. • Submit one original tender document PLUS ONE (1) exact hard copy of the original tender with mandatory requirements and technical tender returnables at tender closing date. • Proof of registration with CSD (National Treasury Central Supplier Database). The buyer shall verify registration on the National Treasury Supplier Data Base (CSD). • Tenderer to meet the eligibility criteria for a tenderer as per 2.1 above. • Submission of the list of mandatory tender returnable documents as indicated in 1.3 Tender Returnables, on page 21 to 24 of this document. Non-adherence to the above will render the tender commercially unacceptable and the tender will be disqualified. All responsive tenders will continue to the next evaluation stage.
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents and/or information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive and will be disqualified.
3.11 Pre-qualification criteria	Step 2 - Pre-qualification Criteria Pre-qualification criteria is not applicable.
3.12 Designated materials and thresholds	Designated material thresholds are not applicable.

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3.13 Functionality requirements	<u>Step 3 – Functionality Technical Evaluation Criteria</u> Suppliers are required to obtain a minimum threshold of 80% from evaluations. Suppliers who do not meet the threshold will not be evaluated further. Refer to the Technical Evaluation criteria as per the Controlled Disclosure 240-165684453 appended to this enquiry under the Enquiry Technical folder.
	3. Technical Evaluation Stages 3.1 Evaluation Stage 1 (Mandatory Requirements) This will be a desktop evaluation of the mandatory tender returnable as per 4.1 ONLY. The tenderer needs to show full compliance in order to pass the Evaluation Stage 1. Only tenderers who passes Evaluation Stage 1 will be further evaluated. 3.2 Evaluation Stage 2 (Functional Criteria) This will be a desktop evaluation of the functionality threshold as per 4.2. The tenderer is required to achieve a minimum overall score of 80% in order to pass Evaluation Stage2. Only tenderers who pass Evaluation Stage 2 may be further evaluated at their place of business. 3.3 Evaluation Stage 3 (Site Evaluation) Suppliers who pass the criteria during desktop evaluation stage may be selected to undergo an on-site verification/evaluation before being considered further for contract award. This stage of the evaluation will be treated equally for all qualifying suppliers whether a site visit or not. The physical site verification is at the discretion of the technical evaluation team. The selection of a supplier to be assessed for this stage shall be based on the risk associated with doing business with the supplier and shall be clearly documented in the evaluation report. The decision shall be informed by aspects such as the level of training, work experience (of the company and/or its personnel), or any other potential risk identified by Eskom. Note this verification will include checking of the company's documented processes and procedures. A minimum overall score of 80% is required for a supplier to be consider technically approved.

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	4.2.1 Vehicle List A vehicles list shall be submitted with the following information as indicated in Table A.2.1 and Table A.2.2: • Include a signed Vehicle List, indicating if the vehicle is owned or being hired. • For proof of ownership, include a copy of the motor vehicle license document (not just the license disc). • For proof of hiring, include a letter from a bona fide hiring company. The hiring letter must include the vehicle type as well as the tenderers company name.
	4.2.2 Previous Related Work Experience The supplier shall state four previously related projects that were undertaken in Table A.3 and briefly explain the scope of work which was executed including the following: • Customer name. • Customer contact details. • Project start and end dates. • Project cost. Scoring will be allocated according to the relation of the previously undertaken projects with the supply of ready-mix concrete and/or yard stone. Supplier shall provide proof such mentioned experience in the form either. • Project completion/delivery certificate. • Appointment letter/contract. • Letter of good standing.
	4.2.3 Training and Accreditation Ready-mix Concrete The supply of ready-mix concrete shall be done by suppliers which are certified by CMACS or SARMA. The supplier shall submit the following as proof: • Certified copy of a Concrete Manufacturer Association Certification Services certificate in the company's name. • Proof of drivers' license of employees who will be operating the ready-mix trucks. Yard Stone The successful supply of yard stone shall provide Eskom with a signed aggregate report stating the requirements mentioned in 240-108982466, Standard for HV Yard Stones in Eskom Substation, namely:

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	• Sieving analysis to produce aggregate of sizes between 26,5mm and 37,5mm. • Wet resistivity value of at least 3000 OHM meter. • XRD analysis. • Clean, hard, durable sound crushed (granite). • Note: A sample of the yard stone will be submitted to an Eskom Civil Engineer for acceptance before delivery.
3.15 Evaluation of price	Step 4: Price and Preference Prices will be evaluated as follows: • Inclusive of VAT. • Making the specified correction for arithmetical errors. • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • 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. • Unconditional discounts must be taken into account for evaluation purposes. • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected. Prices will be scored out of 80 points Note: Eskom reserves the right to do reverse e-auction on this transaction. • The tenderers will submit a complete tender without prices as stated in the enquiry when following the reverse e-auction process. • Price and preference principles will be applied using the reverse e-auction (80 preferential points). • Price and preference will be conducted per zone requirement (Ermelo, Emalahleni and Mbombela).

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3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 10 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20).
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder: • 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or • state that 80/20 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system. Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.
3.19 Objective Criteria is now Contractual Criteria	Please note: • “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the highest ranked tenderer per Zone Emalahleni, Mbombela and Ermelo respectively before award is made. • Tenderers will not be disqualified if they do not comply with the objective criteria • Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.

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Contractual Requirements	Contractual requirements may include the following: • SHEQ requirements; and/or • SDL&I Undertaking. Please note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines, may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract. Step 5: Application of SHEQ Requirement 5.1. Section A OHS Functional Requirements These requirements shall be evaluated under the following criterion. It should be noted that Safety, Quality and Environment requirements would be evaluated on all companies, which were found to be technically viable. The responsible Procurement Practitioner will communicate the shortfalls identified during the first evaluations to all eligible tenderers. The tenderer would be afforded an opportunity Only Once to correct and resubmit within seven (7) working days, failing to submit by the deadline shall render the tenderer non-responsive. Both first and second evaluations shall be subjected to reviews for quality and assurance purposes before the final OHS report is compiled and submitted to the procurement practitioner indicating responsive and nonresponsive tenderers where applicable. These OHS Legal requirements are generally a legal compliance and/or risk-related based criteria for which points will not be allocated but they need to be fully met by the service providers before tender award.
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	5.1.1. Section B SHEQ Contractual Eskom Tender Requirements The above requirements will form part of contract conditions and service providers will not be issued with task orders until they meet such requirements. For service providers who do not meet requirements under this category even after NOD's have been issued. NEC3 Supply Contract (SC3) terms and conditions will be applied to terminate the contract. Please take a note that all section A OHS requirements as per Annexure C1 attached as part of tender inquiry documents shall be submitted at the date and time of the tender inquiry closing. The criteria to be applicable to this enquiry is as follows: SHE criteria • Annexure C1: SHE Tender Returnable. • Annexure B: Acknowledgement Form for Eskom OHS legal and other requirements. Kindly print the example forms from the Enquiry SHE Folder and complete those forms. The completed forms must form part of your SHE returnable tender file submitted. Quality Criteria • 240-68099512 Form A 2020 Cat-4 Rev 8. Tenderer must ensure to complete the top part of the form, enquiry no and description and also sign. • 240-12248652 Category 4- List of Tender Returnables. Documents Rev 6. • 240-126469599_ Method Statement template Rev 6. • 240-105658000 Supplier Quality Management Specification, Rev 2, (do not print and attach it is for reference only). Kindly print the example forms from the Enquiry Quality Folder and complete these forms. The completed forms and returnable requirements must form part of your Quality returnable tender file submitted. Environmental Criteria • Environmental policy, • Incidents/complaints register, • Aspect and Impact register, • Emergency preparedness procedure/plan (EPP),
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	• Related training - Valid Environmental law certificate, • Waste management plan. Kindly print the evaluation criteria form from the Enquiry Environmental Folder. The returnable requirements must form part of your Environmental returnables tender file submitted.
	SDL&I will form part of contractual requirements. <u>Please Note that:</u> “Proof of B-BBEE status level of contributor” for main contractor “Proof of B-BBEE status level of contributor” means- (a) the B-BBEE status level certificate issued by an authorized 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. If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations and is either not submitted by tender submission deadline or deemed invalid; the respective tenderer must be disqualified.
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	Not applicable.
Post tender negotiations	• The tenderers will submit a complete tender without prices as stated in the enquiry when following the reverse e-auction process. • Price and preference principles will be applied using the reverse e-auction (80/20 preferential points). • In an event that the final e-auction bid price is not market related price based on the Price verification report, then the transaction shall default to negotiation.

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Please note:

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed 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 tender documents.

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

“proof of B-BBEE status level of contributor” means-

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

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1.3 TENDER RETURNABLES

The tenderer must submit the returnable documents set out hereunder as part of its tender. Returnable documents that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnable documents to be submitted by the tenderer	Returnable documents mandatory for evaluation purposes and due at tender closing	Returnable documents mandatory for contract award and due prior to contract award
Price List – do not submit prices with your tender Refer to - Annexure A1 - Annexure A2 - User Guide for using e-auctioning	Eskom reserves the right to e-auctioning on this transaction. The tenderers will submit a complete tender <u>without</u> prices as stated in the enquiry when following the reverse e-auction process.	✓	
Pre-qualification criteria:	Not applicable	✓	
Annexure A (Page 23 – 24)	Acknowledgement Form – to be emailed to BronkhTB@eskom.co.za before tender closing date.	✓	
Basic Compliance – Copy of original tender document	One original and one exact hard copy of the original tender to be submitted to Eskom	✓	
Basic Compliance – CSD Registration	Tenderer must be registered on the National Treasury CSD (Central Supplier Database) Submit the supplier registration summary displaying the supplier name and MAAA number as proof or provide the MAAA number	✓	
Basic Compliance – Eskom Conditions of Tender	Acceptance of Eskom's Standard Conditions of Tender – refer to Annexure B If the supplier does not accept Eskom's Standard Conditions of Tender the tenderer will be disqualified from further evaluations	✓	

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Reference	Returnable documents to be submitted by the tenderer	Returnable documents mandatory for evaluation purposes and due at tender closing	Returnable documents mandatory for contract award and due prior to contract award
Annexure B (Page 25 – 29)	Tenderers Particulars – fully completed and signed	✓	
Annexure C (Page 30 – 33)	Integrity Pact Declaration form – fully completed and signed	✓	
Annexure D (Page 34)	SBD 6.2 - Declaration certificate for local production and content	Not applicable	Not applicable
Annexure E (Page 34)	Annexure C - Local Content Declaration-Summary Schedule.	Not applicable	Not applicable
Annexure F (Page 35 – 37)	SBD 1- to be submitted with the tender at tender submission deadline – fully completed and signed (Applicable for all suppliers including Foreign suppliers)	✓	
Annexure G (Page 38 – 43)	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium (if applicable)	✓	
*B-BBEE Certificates or Sworn Affidavit (EME/QSE can submit either)	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. (if applicable)	✓	
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement) (if applicable)		✓

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Reference	Returnable documents to be submitted by the tenderer	Returnable documents mandatory for evaluation purposes and due at tender closing	Returnable documents mandatory for contract award and due prior to contract award
	* A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate depending on whether they are an incorporated/unincorporated entity respectively. (if applicable)	✓	
	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. (if applicable)		✓
	Failure on the part of the supplier to submit a valid current B-BBEE certificate or sworn affidavit for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by foreign suppliers (with a footprint in South Africa-but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile/CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓

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Reference	Returnable documents to be submitted by the tenderer	Returnable documents mandatory for evaluation purposes and due at tender closing	Returnable documents mandatory for contract award and due prior to contract award
COID Certificate	Please submit a certified copy of the valid COID Certificate (Letter of good standing with Compensation Commissioner) in the tendering company's name		✓
Company registration (CIPRO) and Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
Annexure H Non-Disclosure Agreement (Attached separately)	Non-Disclosure Agreement NDA document to be completed, signed and submitted with the tender documents by tender submission deadline.	✓	

DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS

Failure to meet "Contractual Requirements" by the stipulated deadlines, where stipulated; may result in the tenderer being regarded as non-responsive and ineligible for contract award.

SHE Requirements	Refer to the following Annexures. - Annexure C1: SHE Tender Returnable. - Annexure B: Acknowledgement Form for Eskom OHS legal and other requirements. Kindly print Annexure B from the Enquiry SHE Folder and complete and sign this form and submit it with the other required returnable documents on Annexure C1 and these must form part of your SHE returnable tender file submitted.	✓	
-------------------------	---	---	--

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Reference	Returnable documents to be submitted by the tenderer	Returnable documents mandatory for evaluation purposes and due at tender closing	Returnable documents mandatory for contract award and due prior to contract award
Quality Requirements This is a reference document only. Do not print and add it to your tender returnable documents in the Quality File: QM58 240-105658000 Rev 2	Refer to the following Annexures. Kindly print the example forms from the Enquiry Quality Folder and complete those forms. The completed forms and returnable requirements must form part of your Quality returnable tender file submitted. • 240-68099512 Form A 2020 Cat-4 Rev 8. Tenderer must ensure to complete the top part of this form, enquiry no and description and also sign the document • 240-12248652 Category 4- List of Tender Returnables. Documents Rev 6. • 240-126469599_Method Statement template Rev 6.	✓	
Environmental requirements	Refer to the following required documents for the Environmental evaluation of this tender. These documents must form part of your Environment tender file submitted. • Environmental policy, • Incidents/complaints register, • Aspect and Impact register, • Emergency preparedness procedure/plan (EPP), • Related training - Valid Environmental law certificate, • Waste management plan.		✓
SDL&I Annexure I (page 44 – 45)	SDL&I undertaking	✓	
Commercial statutory documents	Refer to page 17 and 18 of these documents for the list of Commercial Statutory Documents.		✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL EVALUATION CRITERIA			
Refer to page 7 to 10 this document for the Functional/Technical requirements			

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____

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

Correct as stated in the Invitation to Tender 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 *tender submission*. ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order **[insert previous invitation to tender/RFQ number]** ☐ _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐

4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position. ☐

Invitation to Tender/Request for Proposal No: _____

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Name of company/JV: _____

Country of registration: _____

Name of contact person: _____

Contact details of contact person:

Tel (landline): _____

Cell phone: _____

e-mail address: _____

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ANNEXURE B

TENDERER'S PARTICULARS

By completing and signing this document, the tenderer agrees to and accept Eskom's Standard Conditions of Tender, which can be viewed or downloaded via www.eskom.co.za.

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 (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member and combined CIDB contractor grading designation (for JVs)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	

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E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the 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	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

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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 Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury MAAA _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS EFiling system, please provide your pin number in order to verify your tax compliant 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 EFiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

- 8.1 Confirm if you intend sub-contracting

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

- 8.2 What percentage will you be sub-contracting? _____%
- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

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

- 8.5 If yes to 8.4, please provide CSD number: _____
- 8.6 Please confirm B-BBEE level of said sub-contractor _____
- 8.7 Which designated group does the sub-contractor belong to:
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women

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- d. Black people with disabilities
- e. Black people living in rural or underdeveloped areas or townships
- f. Cooperatives which are 51% owned by Black people
- g. Black people who are military veterans

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

8.8 Please confirm that you have attached your signed intent to sub-contract document.

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

We, the undersigned, are submitting this tender in Joint Venture and hereby authorise Mr/Ms _____ (full names), an authorised signatory of _____, (*insert the full legal name of the business entity serving as the lead partner*) acting in the capacity of lead partner, to sign all documents in connection with the tender and any contract resulting from it on our behalf.

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

Legal Name of Joint Venture Member	Full Name and Capacity of Authorised Signatory	Signature

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ANNEXURE C

INTEGRITY DECLARATION FORM

1. DECLARATION OF INTEREST

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state-owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)); and
- a juristic person is “related” to another juristic person if :-
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process.

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

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration.

2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If yes, attach proof to this declaration. _____

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

Not applicable.

ANNEXURE E

Not applicable.

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ANNEXURE F

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

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID
BOX SITUATED AT (STREET 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				
-------------------------	--	--	--	--

--	--	--	--	--

	TCS PIN:		OR	CSD No:	
--	----------	--	-----------	---------	--

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No
--	---	---	---

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
---	--	--	--

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	☐	A REGISTERED AUDITOR
		NAME:

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED
IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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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 ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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ANNEXURE G

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

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6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted..... %
- ii) The name of the sub-contractor
- iii) The B-BBEE status level of the sub-contractor
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		

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OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g., transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:
.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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- 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

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ANNEXURE I – SDL&I UNDERTAKING

SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION UNDERTAKING:

Tenderers are required to make undertakings to advance designated groups through Local Procurement Content, skills development and job creation commitments.

The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award.

Tenderer's SDL&I undertaking will also become a contractual obligation.

1. 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.

Local Procurement Content	Eskom Target	Tenderer Proposal
	100%	

2. Skills Development

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

Enterprise Development – Subcontracting

The main contractor will be required to propose development in the following areas.

Subcontracting maximum 10% in total for the following initiative:

Support Description	Tenderer Proposal
- Transporting yard stone to site - Local procurement – PPE	

Job Opportunities

Tenderer to indicate number of Jobs to be created and/or retained from this contract.

Number of Jobs to be created	Number of Jobs to be retained
Tenderers to propose	

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Skills Development

Tenderers are required to propose the type and number of skills they will develop, which after negotiations and agreement will then form part of contractual agreement

Category	Eskom Target	Tenderer Proposal
Construction	Yard stone truck driver x 1	
Construction	Ready mix truck driver x 1	
Office Management	Admin Officer x 1	

Other Initiatives - None

3. Job Creation

Tenderers should indicate the number of jobs to be created as a direct result of this contract. While recruiting, the tenderer should prioritise people residing in the local communities.

Number of jobs to be created as a result of contract	Tenderers Proposal
Tenderer to propose	

Tenderer to also provide breakdown of jobs to be created and/or retained in this table:

Category	Jobs to be created
Expert Skills	
Skilled workers	
Semi-skilled	
Unskilled	
Total	

Name of Contactor's Representative	
Designation	
Signature	
Date:	

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