

	<b>Invitation to Tender KZN006</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	11
		<b>Effective Date</b>	18 February 2022		
		<b>Review Date</b>	February 2025		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

To establish a contract for the civil works, upgrade at Klipspruit substation in the Newcastle area of the KZN Operating Unit with companies with B-BBEE level 1-4 status level of contributor.

<b>Tender number</b>	<b>KZN006</b>
<b>Issue date</b>	<b>15 March 2022</b>
<b>Closing date and time</b>	<b>11 April 2022 at 10h00</b>
<b>Tender validity period</b>	<b>6 months from the closing date and time</b>
<b>Clarification meeting</b>	<b>MS Teams Clarification Meeting</b> <b>29 March 2022 @ 10H00</b>  <b>Refer to 2.5 for detailed information with regards to the MS Teams Clarification Meeting</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>THE TENDER OFFICE</b> <b>Eskom Commercial Services</b> <b>Procurement Offices</b> <b>25 Valley View Road</b> <b>New Germany</b> <b>3620</b>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender to **establish a contract for the civil works, upgrade at Klipspruit substation in the Newcastle area of the KZN Operating Unit with companies with B-BBEE level 1-4 status level of contributor**

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 by you in response to this Invitation will be deemed as your acceptance of the Eskom Standard Conditions of Tender.

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

Yours faithfully




Procurement Manager (Acting) kznou 4564

Thandi Xaba

Date: \_\_\_\_\_

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Y
6.4	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.5	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.7	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Part 1- Commercial Tender requirements	Y
6.8	Annexure A.1 Acknowledgement Form- Reverse E-auction Training	Annexure A.1	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking	Part 6- SDL& I requirements	
6.11	Supplier integrity Pact	Part 1- Commercial Tender requirements	

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1.2The 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](http://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	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is: Name: <b>Lungile Mathetha</b> E-mail: <b>mtambol@eskom.co.za</b></p>																					
1.3 Enquiry documents	<p>The Invitation to tender: <b>KZN006</b></p> <p>All Relevant tender documents will be uploaded onto:</p> <ul style="list-style-type: none"><li>• Eskom Tender Portal</li><li>• National Treasury E-Tender Portal</li><li>• CIDB i-tender Portal</li></ul> <p>It is the responsibility of the tendering party to ensure all required documentation is downloaded, completed and submitted as follows:</p> <table><tr><th><u>SECTION</u></th><th><u>ORIGINAL</u></th><th><u>COPY</u></th></tr><tr><td><b><u>SECTION 1</u></b> – will comprise of the Commercial</td><td>✓</td><td>✓</td></tr><tr><td><b><u>SECTION 2</u></b> – will comprise of the Technical Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b><u>SECTION 3</u></b> – will comprise of the Safety Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b><u>SECTION 4</u></b>- will comprise of Quality Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b><u>SECTION 5</u></b> – will comprise of the Environmental Requirements</td><td>✓</td><td>✓</td></tr><tr><td><b><u>SECTION 6</u></b> – will comprise of the SD&amp;L</td><td>✓</td><td>✓</td></tr></table>	<u>SECTION</u>	<u>ORIGINAL</u>	<u>COPY</u>	<b><u>SECTION 1</u></b> – will comprise of the Commercial	✓	✓	<b><u>SECTION 2</u></b> – will comprise of the Technical Requirements	✓	✓	<b><u>SECTION 3</u></b> – will comprise of the Safety Requirements	✓	✓	<b><u>SECTION 4</u></b> - will comprise of Quality Requirements	✓	✓	<b><u>SECTION 5</u></b> – will comprise of the Environmental Requirements	✓	✓	<b><u>SECTION 6</u></b> – will comprise of the SD&L	✓	✓
<u>SECTION</u>	<u>ORIGINAL</u>	<u>COPY</u>																				
<b><u>SECTION 1</u></b> – will comprise of the Commercial	✓	✓																				
<b><u>SECTION 2</u></b> – will comprise of the Technical Requirements	✓	✓																				
<b><u>SECTION 3</u></b> – will comprise of the Safety Requirements	✓	✓																				
<b><u>SECTION 4</u></b> - will comprise of Quality Requirements	✓	✓																				
<b><u>SECTION 5</u></b> – will comprise of the Environmental Requirements	✓	✓																				
<b><u>SECTION 6</u></b> – will comprise of the SD&L	✓	✓																				

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	See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender	This invitation to tender: <b>An open Invitation to tender</b>
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the eligibility criteria 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.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li> <li>• Tenders submitted by a JV 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.</li> <li>• 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: <ul style="list-style-type: none"> <li>○ (a) they have a controlling partner/majority shareholder in common; or</li> <li>○ (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/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• 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</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b><i>Tender</i></b> submission is:</p> <p>Date: <b>11 April 2022</b> Time: <b>10h00am</b> <b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE</b> <b>Eskom Commercial Building</b> <b>25 Valley View Road</b> <b>New Germany</b> <b>3620</b></p> <p><b>NB: The onus is upon the tenderer to ensure that their tender reach the Tender Office on or prior to the due date and time when making use of the post or courier services</b></p> <p><b>NB: Eskom employees are not permitted to deposit a tender into the Eskom tender box on behalf of a tenderer.</b></p> <p>If your tender document is too big to fit into the tender box, the documents can be submitted to an Eskom Tender office Official at the Eskom Tender Office, during the following times:</p> <p>Monday to Friday- 07h30-16h00 prior to the tender closing date. No Tender documents will be accepted after the stipulated tender closing date and time</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline.</p> <p><b>Where a Tenderer does not submit One (1) hard copy of the original tender plus One (1) hard copy of the original</b></p>

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	<p><b>tender at tender submission deadline, the tenderer will be disqualified.</b></p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is <b>6 months from</b> the closing date and time
2.16 Site/clarification meetings	<p>A non-compulsory "Online Meeting" will take place on Microsoft Teams, whereby a Presentation will be made to assist all contractors in complying with Eskom's tender requirements. Although this will not be a Compulsory Meeting, Contractors are encouraged via the Invitation to Tender to attend this MS Team Meeting to ensure that all Contracting Companies clearly understand the requirements and are able to submit a responsive tender.</p> <p>An <b>"Online MS Teams Meeting"</b> with representatives of the <i>Employer</i> will take place as follows:  Date: <b>29 March 2022</b>  Time: <b>10H00</b>  Venue: <b>MS Teams Meeting</b></p> <p>Tenderers must confirm their intention to attend this MS Team Meeting by latest <b>10:00 AM on 25 March 2022</b> with the Eskom Representative (<a href="mailto:mtambol@eskom.co.za">mtambol@eskom.co.za</a>) stating the name, position, and contact details of each proposed attendee.</p> <p>An Appointment will then be sent to the companies who respond (as above mentioned)..</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5 working days</b> before the deadline for tender submission.</p> <p>All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative <a href="mailto:mtambol@eskom.co.za">mtambol@eskom.co.za</a></p> <p>All Clarification queries and responses will be published on Eskom's Tender Bulletin and the National Treasury e-Tender Portal. <b>Tenderers are encouraged to continuously check the bulletins for the latest updates or addendums during the tender process</b></p>
2.23 Alternative tenders	<ul style="list-style-type: none"> <li>Alternative tenders are <b>not allowed</b></li> </ul>
2.25 Conditions of contract	The conditions of contract will be the <b>NEC 3 ECSC (Engineering construction short contract)</b>

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3.4 Opening of tenders	There will be no public Tender Opening, due to the current coronavirus pandemic and social distancing requirements.:
3.5 Prices to be read out	Prices will <b><i>not be read out</i></b>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) the original and 1 hard copy of the original tender to Eskom at tender submission deadline.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul>
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information by the required deadlines as stipulated below; will be deemed non-responsive.</p> <p><b><u>Commercial requirements</u></b></p> <ul style="list-style-type: none"> <li>• Proof of Registration with the Central Supplier Database (CSD)</li> <li>• Valid proof registration of CIDB (Construction Industry Development Board) Registration, <b>(level 3CE or Higher)</b>, Where valid proof of CIDB registration is not available at tender closing deadline, tenderers are at a minimum expected to provide valid proof of application for registration and proof of actual registration by contract award.</li> <li>• SBD 6.1 Preference Point claim form in terms of PPPFA 2017 Regulation</li> <li>• Fully completed and signed standard bidding document 1 (SBD1).</li> </ul> <p><b><u>SDL &amp; I Prequalification</u></b></p> <p><b>SD&amp;L &amp; I will apply the following pre-qualification criteria as envisaged in PPPFA 2017 regulation 4:</b></p> <p>This tender has been identified to advance B-BBEE level 1-4 status level of contributor</p> <p>Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBEE certificate confirming their level 1-4 status</p> <p><b>Tender Returnable if the above elements are requirements.</b></p> <ul style="list-style-type: none"> <li>• Valid copy of a sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or</li> <li>• Valid copy of B-BBEE Certificate issued by CIPC for EME's. OR</li> </ul>

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- Valid certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency / sworn affidavit in the case of QSE's must be submitted, or
- Valid certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or
- For JV's only valid certified copy of the B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV

#### Functionality

No	Criteria Section	Weight	Notes
1	Training and Skilled Resources	30%	Refer to Training and Skilled Resources Criteria section for details of evidence required
2	Tools, equipment, and Plant	20%	Refer to Plant and Tools Criteria section for details of evidence required
3	Vehicles	20%	Refer to Vehicles Criteria section for details of evidence required
4	Related Work Experience	30%	Refer to Related Work Experience Criteria Section for details of evidence required.

**The threshold of 80% must be met for technical requirement.**

**NB: Only certified copies of certificates will be accepted  
Please refer to the attached Technical Criteria**

A full breakdown of the technical evaluation requirements as well as the requirements for scoring can be found on the attachment called technical evaluation criteria.

All the tenders that fail to achieve the minimum qualifying score on functionality will be disqualified and shall not be considered for further evaluation on Price and B-BBEE.

Tenderers who do not meet the threshold for functionality

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<p>3.11 Pre-qualification criteria</p>	<p>scoring will be disqualified and not be evaluated further</p> <p><b>SDL&amp;L Pre-qualification</b></p> <p><b>SD&amp;L &amp; I will apply the following pre-qualification criteria as envisaged in PPPFA 2017 regulation 4</b></p> <p>This tender has been identified to advance B-BBEE level 1-4 status level of contributor</p> <p>Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBEE certificate confirming their level 1-4 status</p> <p><u>Tender Returnable if the above elements are requirements.</u></p> <ul style="list-style-type: none"> <li>• Valid copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or</li> <li>• Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR</li> <li>• Valid certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for QSE or</li> <li>• Valid copy of sworn affidavit in the case of QSE's must be submitted, or</li> <li>• Valid certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or</li> <li>• For JV's only valid certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV</li> </ul> <p><b><u>KEY Elements when completing a Sworn Affidavit</u></b></p> <p><b>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</b></p> <p>a) Name/s of deponent as they appear in the identity document and the identity number.</p> <p><b>b) Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorized to depose of an affidavit. (<u>Underline or circle Whichever is applicable</u>).</b></p> <p>c) Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</p>
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	<p>d) Percentage of black ownership, black female ownership and designated group. In the case of specialized enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <b>(No blank spaces to be left).</b></p> <p>e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. <b>(Underline the applicable option).</b></p> <p>f) financial year end as per the enterprise’s registration documents, which was used to determine the total revenue. (Financial year end to be stipulated by <b>day/month/year</b>).</p> <p>g) B-BBEE Status level. An enterprise can only have one status level.</p> <p>h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</p> <p>i) Date deponent signed, and date of Commissioner of Oath must be the same. <b>(The sworn Affidavit must be signed in the presence of the Commissioner of Oath).</b></p> <p>j) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest</p> <p>K) Sworn Affidavits attested / signed by a Commissioner of Oaths as a true copy <b>stamp</b> will not be accepted</p>												
3.12 Designated materials and thresholds	<b>Not Applicable</b>												
3.13 Functionality requirements	<p>Functionality requirements <b><i>are applicable</i></b></p> <p>The following criteria will be applicable for this transaction Under functionality criteria</p> <table><tr><th>No</th><th>Criteria Section</th><th>Weight</th><th>Notes</th></tr><tr><td>1</td><td>Training and Skilled Resources</td><td>30%</td><td>Refer to Training and Skilled Resources Criteria section for details of evidence required</td></tr><tr><td>2</td><td>Tools, equipment, and Plant</td><td>20%</td><td>Refer to Plant and Tools Criteria section for details of evidence required</td></tr></table>	No	Criteria Section	Weight	Notes	1	Training and Skilled Resources	30%	Refer to Training and Skilled Resources Criteria section for details of evidence required	2	Tools, equipment, and Plant	20%	Refer to Plant and Tools Criteria section for details of evidence required
No	Criteria Section	Weight	Notes										
1	Training and Skilled Resources	30%	Refer to Training and Skilled Resources Criteria section for details of evidence required										
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	<b>3</b>	Vehicles	20%	Refer to Vehicles Criteria section for details of evidence required
	<b>4</b>	Related Work Experience	30%	Refer to Related Work Experience Criteria Section for details of evidence required.
<p><b>The threshold of 80% must be met for technical requirement.</b></p> <p><b>NB: Only certified copies of certificates will be accepted Please refer to the attached Technical Criteria</b></p> <p>A full breakdown of the technical evaluation requirements as well as the requirements for scoring can be found on the attachment called technical evaluation criteria.</p> <p>All the tenders that fail to achieve the minimum qualifying score on functionality will be disqualified and shall not be considered for further evaluation on Price and B-BBEE.</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>				
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• Making the specified correction for arithmetical errors</li> <li>• Excluding contingencies in any bill of quantities or activity schedule.</li> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• Unconditional discounts must be taken into account for evaluation purposes.</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected.</li> </ul> <p>Prices will be scored out of 80 points</p>			
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will be disqualified.</p>			

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3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> <li>80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT)</li> </ul> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>						
Contractual Requirements (if applicable )	<p><b>CONTRACTUAL REQUIREMENTS</b></p> <p>It must be noted that the Safety, Quality, and environment requirements will be evaluated, and companies will be given one opportunity to submit the outstanding requirements. The shortfalls will be communicated upfront to the tenderer who will then be requested to attend a session where the functional specialist will assist the tenderer to understand the outstanding requirements. The tenderer will then be afforded <b>one opportunity</b> to correct and resubmit within 5 working days after the clarification session</p> <p>Tenderers are encouraged to submit the SHEQ documents with the tender at the time of the tender closing. This will reduce the likelihood of failing the SHEQ criteria in the event that the tenderers are required to submit after the closing date. it must be noted that failure to submit the correct documents after the 1<sup>st</sup> opportunity will result in the tender being disqualified</p> <p>Contractual Requirements may include the following:</p> <p><b><u>SAFETY REQUIREMENTS</u></b></p> <table border="1"> <tr> <td>1</td><td><b>Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B) signed by the Owner / CEO / MD and 2 witnesses</b></td></tr> <tr> <td>2</td><td><b>OH&amp;S Organogram (Approved by CEO/Director)-Including names and appointment reference</b></td></tr> <tr> <td>3</td><td> <b>Occupational, Health and Safety Plan (OHS Plan)</b>  This must be relevant to the Scope of work (Klipspruit Substation Transformer upgrade), addressing and responding the Eskom Health and Safety Specification (numbering must align to left hand side numbers in the SHE Specification.COVID19 procedures and plans to be included. Review date to be included in the document). To be signed off by the Owner / </td></tr> </table>	1	<b>Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B) signed by the Owner / CEO / MD and 2 witnesses</b>	2	<b>OH&amp;S Organogram (Approved by CEO/Director)-Including names and appointment reference</b>	3	<b>Occupational, Health and Safety Plan (OHS Plan)</b> This must be relevant to the Scope of work (Klipspruit Substation Transformer upgrade), addressing and responding the Eskom Health and Safety Specification (numbering must align to left hand side numbers in the SHE Specification.COVID19 procedures and plans to be included. Review date to be included in the document). To be signed off by the Owner /
1	<b>Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B) signed by the Owner / CEO / MD and 2 witnesses</b>						
2	<b>OH&amp;S Organogram (Approved by CEO/Director)-Including names and appointment reference</b>						
3	<b>Occupational, Health and Safety Plan (OHS Plan)</b> This must be relevant to the Scope of work (Klipspruit Substation Transformer upgrade), addressing and responding the Eskom Health and Safety Specification (numbering must align to left hand side numbers in the SHE Specification.COVID19 procedures and plans to be included. Review date to be included in the document). To be signed off by the Owner /						

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		CEO / MD
	4	<b>Baseline Risk Assessment to be in line with the Scope of Work</b> (include Driving and COVID 19 Risks) (Approved by CEO/ Director)
	5	<b>Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, (Nature of Business to be applicable)</b> The letter of good standing must state the relevant services rendered by the company, e.g. Electrical related construction work in line with the Scope of Work applicable for this tender
	6	<b>Health and Safety Policy signed by the Owner / CEO or MD,</b>
	7	<b>SHE Competency; proof of the following training certificates and appointment letters for each of the following.</b> <ul style="list-style-type: none"> <li>• Health and Safety Representative (Appointment if not yet trained)</li> <li>• First aid level 2,</li> <li>• Fire fighters,</li> <li>• Risk Assessor</li> <li>• Construction Supervisor CR 8(7)-(with MV/LV line Construction)</li> <li>• Safety Officer (SACPCMP) Ref:32-136, 32-726 (must be on site)</li> <li>• Fall protection planner/developer</li> <li>• Fall rescuer (Competency Certificate).</li> <li>• Incident investigator,</li> <li>• Excavation Supervisor CR13(1)</li> <li>• COVID19 16:5 (Appointment only)</li> </ul>
	8	<b>Medical Fitness Certificate (including Annexure 3 format) -Occupational Health Practitioner / Nurse / Doctor (ONLY)-For all company representatives listed in point 7.</b>
	9	<b>Fall Protection Plan</b> (Next Review date to be included and to be signed off by CEO/Director)
	10	<b>Substance Abuse Procedure</b>
	11	<b>Costing for SHE (Safety Requirements)</b>
	<b><u>ENVIRONMENTAL REQUIREMENTS</u></b>  <b>1. <u>ENVIRONMENTAL POLICY</u></b> <ul style="list-style-type: none"> <li>- Must be signed by CEO or Managing member</li> <li>- Must include a commitment to environment (e.g. prevent pollution, establishment of ISO 14001, compliance to legal and other requirements)</li> </ul>	

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	<p><b>2. <u>COMPANY ORGANOGRAM – SHOWING ENVIRONMENTAL RESPONSIBLE PERSONS</u></b></p> <ul style="list-style-type: none"> <li>- SHE officer/ manager/REP with the assumption that the E- is for environment</li> <li>- Environmental Officer</li> </ul> <p><b>3. <u>ENVIRONMENTAL APPOINTMENT LETTERS</u></b></p> <ul style="list-style-type: none"> <li>- Appointment as an environmental officer/ environmental rep where the duties listed correlated with environmental management (e.g. monitor compliance with EMP, ensure compliance to and the knowledge of NEMA, management of waste, compliance to ISO 14001 requirements)</li> <li>- Letters which meet requirement were awarded a 1 whether they are signed or not (on the assumption that appointments would be made once the project team was known, following the awarding of tenders)</li> </ul> <p><b>4. <u>COMMUNICATION STRATEGY OR COMMUNICATION PLAN</u></b></p> <ul style="list-style-type: none"> <li>- Communication plan should give an indication of the following: What is being communicated e.g. SHE matters. To whom. Frequency. The purpose</li> </ul> <p><b>5. <u>ENVIRONMENTAL INCIDENT REGISTER</u></b></p> <ul style="list-style-type: none"> <li>- A document on which incidents can be recorded for tracking. Register is usually in a tabular manner with the following fields: Description of incident, date of incident, reported to, actions taken and status of recommendations.</li> </ul> <p><b>6. <u>ENVIRONMENTAL ASPECTS &amp; IMPACTS (ENVIRONMENTAL RISK ASSESSMENT)</u></b></p> <ul style="list-style-type: none"> <li>- Impacts and aspects register is usually in a tabular format and is an account of activities which will be done on site, the aspect of the environment which could be affected and the type of impacts which could result</li> <li>- Risk Assessments which identified ways in which the environment would be impacted</li> </ul> <p><b>7. <u>ENVIRONMENTAL MANAGEMENT PLAN (EMP)</u></b></p> <ul style="list-style-type: none"> <li>- An EMP should ideally be linked with the aspects identified in the Aspects and Impacts register.</li> <li>- EMP should be comprehensive and inclusive of site elements likely to interact with the environment. It should address how environmental impacts resulting from construction activities will be managed and mitigated.</li> </ul>
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	<ul style="list-style-type: none"> <li>- General topics of discussion in EMP include soil erosion, ablution facilities, chemical storage, fauna and flora, waste management, camp site management etc.</li> </ul> <p><b>8. <u>ENVIRONMENTAL EMERGENCY PREPAREDNESS &amp; RESPONSE PLAN</u></b></p> <ul style="list-style-type: none"> <li>- Procedure listing possible environmental emergencies that could occur e.g chemical spillages, air pollution incidents and encounters with bees and snakes</li> <li>- The procedure needs to also deal with how to respond to such situations. The plan must be practical and include information such as reporting chains and clean-up methods</li> </ul> <p><b>9. <u>COMPETENCY TRAINING CERTIFICATE, I.E. ENVIRONMENTAL LAW OR RELEVANT TRAINING COURSE</u></b></p> <ul style="list-style-type: none"> <li>- Training certificates submitted: SHE REP, SHEMTRAC, Internal Eskom training for Environmental Legislation, EA and EMP, tertiary degrees for environmental studies</li> </ul> <p><b>10. <u>WASTE MANAGEMENT STRATEGY/ PLAN</u></b></p> <ul style="list-style-type: none"> <li>- A WMP should include a description of the different waste streams expected on site, how these will be stored, transported and disposed off. The WMP should also deal with prevention of pollution, littering and waste minimization methods such as reuse, recycle and reduce.</li> </ul> <p><b><u>Quality Requirements</u></b></p> <p>Refer to the attached category 3 Quality requirements.</p> <p><b><u>Financial Evaluation</u></b></p> <p>A financial evaluation will be conducted by Eskom to further evaluate the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract.</p> <p>An analysis of the tenderers financial statements will be conducted where required, for the purposes of establishing the tenderers financial viability and ability to meet all its contractual obligations.</p> <p>It must be noted that financial statements may be requested after the tender closes</p>
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	<p><b><u>SDL&amp;I Undertaking</u></b></p> <p>Tenderers who complete and submit the undertaking as required, but who do not meet Eskom’s targets, will not be disqualified.</p> <p>SDL&amp;I undertakings do not form part of scoring, but commitments will form part of contractual obligations</p> <p><b>Job Opportunities</b></p> <table><tr><th>Number of Jobs to be created</th><th>Number of Jobs to be retained</th></tr><tr><td></td><td></td></tr></table> <p><b><u>Skills Development</u></b></p> <p>Tenderers are required to propose against the following training initiatives.</p> <table><tr><th>Category</th><th>Eskom Target</th><th>Tenderer Proposal</th></tr><tr><td>Bricklaying and Plastering certificate</td><td>2</td><td></td></tr><tr><td>Plumbing Certificate</td><td>2</td><td></td></tr></table> <p><b>Please Note:</b></p> <p><b>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.</b></p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p> <p><b>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.</b></p>	Number of Jobs to be created	Number of Jobs to be retained			Category	Eskom Target	Tenderer Proposal	Bricklaying and Plastering certificate	2		Plumbing Certificate	2	
Number of Jobs to be created	Number of Jobs to be retained													
Category	Eskom Target	Tenderer Proposal												
Bricklaying and Plastering certificate	2													
Plumbing Certificate	2													
CIDB Requirements	<p>CIDB Requirements <i><b>are applicable</b></i></p> <p>It is estimated that tenderers must have a Construction Industry Development Board (CIDB) contractor grading of 3CE or higher</p> <p>Joint ventures are eligible to submit tenders provided that:-</p>													

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	<ul style="list-style-type: none"> <li>every member of the Joint venture (JV) is registered with the CIDB</li> </ul> <p><b>[ Please note:</b>  <b><i>That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</i></b>  <b><i>Employer(Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing ; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT. ]</i></b></p>
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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](http://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 returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award closing
<b>Basic Compliance</b>	One hard copy of the original tender and One (1) hard copy of original the tender.	✓	
<b>Pre-qualification criteria:</b> <ul style="list-style-type: none"> <li>B-BBEE levels 1-4</li> </ul> <b>Please Note that:</b> “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;  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	<b>“Proof of B-BBEE status level of contributor”</b>	✓	
	CSD number	✓	

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respective tenderer will be disqualified																
Annexure A	Acknowledgement Form	✓														
Annexure B	Tenderers Particulars	✓														
Annexure C	Integrity Pact Declaration form	✓														
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓														
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓														
Supplier Development & Localisation (SD&L) Undertaking	<p>Tenderers who complete and submit the undertaking as required, but who do not meet Eskom’s targets will not be disqualified. SD&amp;L undertakings do not form part of scoring, but commitments will form part of contractual obligations</p> <p><b><u>Job Opportunities</u></b> Tenderer to indicate number of Jobs to be created and/or retained from this contract.</p> <table><tr><td>Number of Jobs to be created</td><td>Number of Jobs to be retained</td></tr><tr><td></td><td></td></tr></table> <p><b><u>Skills Development</u></b> Tenderers are required to propose against the following training initiatives</p> <table><tr><th>Category</th><th>Eskom Target</th><th>Tenderer Proposal</th></tr><tr><td>Bricklaying and Plastering certificate</td><td>2</td><td></td></tr><tr><td>Plumbing Certificate</td><td>2</td><td></td></tr></table>	Number of Jobs to be created	Number of Jobs to be retained			Category	Eskom Target	Tenderer Proposal	Bricklaying and Plastering certificate	2		Plumbing Certificate	2			✓
Number of Jobs to be created	Number of Jobs to be retained															
Category	Eskom Target	Tenderer Proposal														
Bricklaying and Plastering certificate	2															
Plumbing Certificate	2															
Additional Documents	Letter of intent to form a JV/consortium		✓													

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<b>required in event of JV:-</b>	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓
	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)		✓
	<b>“proof of B-BBEE status level of contributor” means:-</b> (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; (as may be applicable for the particular tendering entity )	✓	
	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.		✓
<b>*“proof of B-BBEE status level of contributor” means:-</b> (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;	Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> for purposes of evaluation and scoring by the tender closing will result in disqualification.	✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate		✓

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<b>Shareholding</b>	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)	✓	
<b>NEC</b>	Completed NEC pricing schedule and contract data.	✓	

#### DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

Safety	<b><u>SAFETY REQUIREMENTS</u></b>		✓
	1	Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B) signed by the Owner / CEO / MD and 2 witnesses?	
	2	OH&S Organogram ( <i>Approved by CEO/Director</i> ) must be referenced	
	3	<b>Occupational, Health and Safety Plan (OHS Plan)</b> This must be relevant to the Scope of work (Lifting Machine Operator Training), addressing and responding the Eskom Health and Safety Specification (numbering must align to left hand side numbers in the SHE Specification.COVID19 procedures and plans to be included. Review date to be included in the document). To be signed off by the Owner / CEO / MD	
	4	<b>Baseline Risk Assessment to be in line with the Scope of Work</b> (To include Driving & COVID19 with next review date) ( <i>Approved by CEO/Director</i> )	
	5	<b>Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, (Nature of Business to be applicable)</b> The letter of good standing must state the relevant services rendered by the	

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		company, e.g. Training/ Electrical Training/ Facilitation/ Consulting/ Teaching.		
	6	<b>Health and Safety Policy- signed by the Owner / CEO or MD,</b>		
	7	<b>SHE Competency; proof of the following training certificates and appointment letters for each of the following;</b> <ul style="list-style-type: none"> <li>• Health and Safety Representative – For Company</li> <li>• First aid level 2- For Facilitator</li> <li>• Fire fighters- For Facilitator</li> <li>• Risk Assessor- For Facilitator</li> <li>• Safety Officer- For Company- Registered with SACPCMP Ref:32-136, 32-726</li> <li>• Incident investigator- For Company</li> <li>• COVID19 16:5 (Appointment only)- For Company</li> <li>• Lifting Machine Operator Training Certificate-For Facilitator</li> </ul>		
	8	<b>Medical Fitness Certificate (including Annexure 3 format) - Occupational Health Practitioner / Nurse / Doctor (ONLY) -For Facilitators listed on organogram</b>		
	9	<b>Substance Abuse Procedure</b>		
	10	<b>Costing for SHE (Safety Requirements</b>		
<b>Quality</b>	Documents that may be required per scope of work			✓
<b>Environmental</b>	<b><u>ENVIRONMENTAL REQUIREMENTS</u></b>  <b>Annexure B-</b> Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) signed and submitted by the tenderer.			✓

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	<p><b>Environmental Management Plan for the Scope of work addressing the following as a minimum</b></p> <p>Waste management (reduction, re-use, recycling, disposal). Environmental induction</p> <p><b>All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD:</b></p> <p>Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care</p>																
<b>Due Diligence</b>	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓														
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>																	
Technical	<table><tr><td><b>CRITERIA</b></td><td><b>SCORE</b></td></tr><tr><td>Course content</td><td>20%</td></tr><tr><td>Training</td><td>20%</td></tr><tr><td>Assessment</td><td>15%</td></tr><tr><td>Qualifications of Instructors</td><td>30%</td></tr><tr><td>Track record</td><td>15%</td></tr><tr><td><b>Total</b></td><td><b>100%</b></td></tr></table>	<b>CRITERIA</b>	<b>SCORE</b>	Course content	20%	Training	20%	Assessment	15%	Qualifications of Instructors	30%	Track record	15%	<b>Total</b>	<b>100%</b>	✓	
	<b>CRITERIA</b>	<b>SCORE</b>															
	Course content	20%															
	Training	20%															
	Assessment	15%															
	Qualifications of Instructors	30%															
	Track record	15%															
	<b>Total</b>	<b>100%</b>															
The minimum qualifying score on functionality is 80%. All the tenders that fail to achieve the minimum qualifying score on functionality will be disqualified and shall not be considered for further evaluation on Price and B-BBEE. The weighted score-card approach will be used to evaluate technical compliance of tenders against the																	

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	specification		
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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 / 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 *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 /

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specifications for the reasons stated hereunder: ☐

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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: \_\_\_\_\_

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**

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	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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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	

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\_\_\_\_\_
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.

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4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. Alternatively, you may contact **Babalwa Mhlophe ( 011) 800 3478**
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status\_\_\_\_\_
7. 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.\_\_\_\_\_
- 8.4 Please confirm B-BBEE level of said sub-contractor\_\_\_\_\_
- 8.5 Which designated group does the sub-contractor belong to:-

- a. Black people
- b. Black people who are youth
- c. Black people who are women
- d. Black people with disabilities

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- 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:

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

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

8.7 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.

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

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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.

<b>Legal Name of Joint Venture Member</b>	<b>Full Name and Capacity of Authorised Signatory</b>	<b>Signature</b>

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

*(Form to be completed and signed by supplier/tenderer as Invitation to Tender/RFP returnable or as part of contract modification documentation)*

#### **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 :-

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- (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;

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

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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/proposal]** 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.

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

Item	Question	Yes/No	No
1.1	<p>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</p> <p><b>[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].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.2	<p>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)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		
1.3	<p>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?</p>		

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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	<i>Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?</i>		

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.**

<b>Signature:</b>	
<b>Designation and capacity in which signing:</b>	
<b>Date:</b>	


### **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.**

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<b>Signature:</b>	
<b>Designation and capacity in which signing :</b>	
<b>Date:</b>	

**(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).**

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## ANNEXURE G

**SBD 1**

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON				CONTACT PERSON	
TELEPHONE NUMBER				TELEPHONE NUMBER	
FACSIMILE NUMBER				FACSIMILE NUMBER	
E-MAIL ADDRESS				E-MAIL ADDRESS	
<b>SUPPLIER INFORMATION</b>					
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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>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.</b>	

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. 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 SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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 H

### 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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	

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**Total points for Price and B-BBEE must not exceed**

**100**


- 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;

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- (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;

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20 or 90/10**

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

Where

$P_s$  = Points scored for price of 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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## 5. BID DECLARATION

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

## 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 10 or 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:

<b>Designated Group: An EME or QSE which is at least 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
Black people		
Black people who are youth		

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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		
<b>OR</b>		
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.

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[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:
- 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. ....	<div style="text-align: center; margin-top: 100px;">           .....             SIGNATURE(S) OF BIDDERS(S)         </div> <div style="margin-top: 20px;">           DATE: .....         </div>
--	---

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