

	SDL&I Strategy Setting Template for Bidders	Document Identifier	240-148918142	Rev	5
		Effective Date	September 2023		
		Review Date	September 2026		

Business Unit	Nuclear Operating Unit
Description/ Scope of Work	The provision of catering, canteen, mobile kitchen pop-ups, kiosks, and vending machine services at Nuclear Operating Unit (NOU).
Duration of Contract	Six (6) years
Name of Buyer	Andiswa Ziliso

Section 1. Specific Goals

A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

NB: The following documents are required to claim preference points,

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit.
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown.
- Certified ID copies of shareholder(s).
- Proof of Disability (where applicable).

Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'

- May only score point out of 90/80 for price.
- Scores 0 points out of 10/20 for specific goals.

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Section 2. Objective criteria

The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.

2.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
Textile, clothing, leather, and footwear	Personal Protective Clothing (PPE)	100%
Canned / Processed Vegetables	Canned / Processed Vegetables	80%

NOTE: SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory** and must be tender returnables if applicable.

Notes:

i. Tender Returnables:

- ✓ Declaration Certificate for Local Content (SBD 6.2) and corresponding annexures C, D and E must be completed and duly signed & are therefore **tender returnables** (due prior to contract award).
(Where submitted documents with incomplete or incorrect information will be clarified prior to contract award).

✓ Attachments related to Designations in the Invitation to Tender (ITT)

- ✓ (F1) - SBD 6.2 Declaration Form
- ✓ (F2) - Annexure C (Local Content Declaration-Summary Schedule)
- ✓ (F3) - Annexure D-Imported Content Declaration – Supporting Schedule to Annex C
- ✓ (F4) - Annexure E-Local Content Declaration- Supporting Schedule to Annex C.

ii. Application for exemptions:

If the required input materials cannot be wholly sourced from South Africa, bidders should request and obtain a written exemption letter from the dtic. The exemption letter should then be submitted, and approvals obtained prior to the closure of the bid(s). The dtic together with the procuring organ of state and the winning bidder will consider the exemption on a case-by-case basis.

Link to the “Process when requesting exemption letters” on the dtic’s website:

http://www.thedtic.gov.za/wp-content/uploads/IP-Exemption_letters.pdf

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2.2 CIDB Skills Development – **NOT APPLICABLE**

2.3 National Industrial Participation Programme - **NOT APPLICABLE**

2.4 Sub-contracting on contracts above R30 million as a condition for contract award where feasible

If feasible to subcontract for a contract above R30 million, Eskom:

- a) must apply subcontracting to previously designated groups.
- b) must advertise the tender with a specific condition for contract award that the successful tenderer must subcontract a minimum of 30% of the value of the contract to:
 - an EME or QSE;
 - an EME or QSE, which is at least 51% owned by black people;
 - an EME or QSE, which is at least 51% owned by black people who are youth;
 - an EME or QSE, which is at least 51% owned by black people who are women;
 - an EME or QSE, which is at least 51% owned by black people with disabilities;
 - an EME or QSE, which is 51% owned by black people living in rural or underdeveloped areas or townships;
 - a cooperative, which is at least 51% owned by black people;
 - an EME or QSE, which is at least 51% owned by black people who are military veterans **or**
 - **more than one of the categories referred to in the above bullet points.**

Subcontracting, in this instance, will be treated as a condition for contract award. In certain circumstances whereby it is not feasible to subcontract 30%, a minimum subcontracting shall be 15%. A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

NOTE 1: Tenderers shall submit the following mandatory returnable for Subcontracting:

- Subcontracting agreement signed by both with subcontractors' company registration documents (CK and B-BBEE certificate or sworn affidavit) or
- Copies of sub-contracting contracts (agreements) **or** copies of letters from the tenderer to the sub-contractors, stating the **intent to sub-contract and the scope of work to be sub-contracted. The Tenderer should sign both documents and the Sub-contractor(s) earmarked.**

Potential scope to be subcontracted and/or outsourced:

- Procurement of consumable goods and other related goods and services to qualifying black-owned SMMEs (EMEs and QSEs) needed to provide the services.

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Section 3. SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

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

1. Transformation – BBBEE Improvement or Retention Plan

Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.

Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.

Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.

Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract. Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract.

NB: A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate

2. Local Procurement Content

“Local Procurement Content” refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component. Tenderers are required to submit their proposals in the table below.

Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

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3. Procurement spend on entities with a minimum 51% black ownership

The winning tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:

- the indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups; and
- direct spend on goods and services supplied by the subcontractors for the execution of the scope of work.

Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below.

Procurement from Designated Group	Eskom Target	Tenderer Proposal
Black Owned	4.0%	
Black Women Owned	3.0%	
Black Youth Owned	2.0%	
Black Persons with Disability	1.0%	

- 4. Jobs.** Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

Table 4a Type and number of jobs to created

Type of Jobs to be created	Number of Jobs to be created

Table 4b Type and number of jobs to retained

Type of Jobs to be retained	Number of Jobs to be retained

5. Skills development

5.1

Tenderers are required to submit proposals in a table below for developing the skills of unemployed candidates in the country. Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be sourced from the identified Local and District Municipalities within the 16KM GIS radius from Koeberg Nuclear Power Station – before the greater Cape Town Municipal Areas are considered and before the rest of the Western Cape Province is considered. Thus, the “onion principle” shall apply regarding skills development beneficiaries.

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Skill type / Occupation	Entry Level	Output	Eskom target	Proposed Number of Candidates
Cook*	Matric	NQF level 4	2	

- ✓ *Occupational Certificate: Cook
- ✓ Qualification type: Occupational Certificate
- ✓ SAQA Qualification ID: 102296
- ✓ Originator: Development Quality Partner – CATHSSETA (The Culture, Art, Tourism, Hospitality, and Sport Sector Education and Training Authority).
- ✓ National Certificate Vocational: Professional Cookery, National Qualifications Framework (NQF) Level 4.

5.1.2 PURPOSE AND RATIONALE OF THE QUALIFICATION

Purpose:

- ✓ The purpose of this qualification is to prepare a learner to operate as a Cook. A Cook prepares, seasons and cooks food items in hotels, restaurants and catering (HORECA) establishments.

A qualified learner will be able to:

- ✓ Prepare for food production, associated areas, commodities, staff and cooking environment.
- ✓ Communicate with and assist other kitchen personnel.
- ✓ Prepare, cook and assemble specific food items using the correct method and techniques to meet customer and organisational requirements.
- ✓ Assist kitchen and service staff to prepare and serve food.
- ✓ Hygienically prepare and assemble food and clean food preparation areas.

Rationale:

- ✓ The qualification is aimed at school leavers and those who have been working in the industry, without the required qualifications. This qualification will professionalise the industry and is applicable to all sectors of professional cookery experience it might also lead to promotion and further career advancement.

The process of developing this skill shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills.

5.2

Submission of **Work Skills Plan (WSP)** so that Eskom may be able to determine how the tenderer will build capacity within its workforce to further upskill and develop its staff and trainees to meet Eskom's requirements over the envisaged 6-year period of the contract. Priority given to Black employees in accordance with Employment Equity requirements and targets. Note that the WSPs are crucial to determine the current skills profile of employees. To review the strategies for recruiting and developing skills and to track progress of such skills (the Annual Training Reports may have reference going forward).

Note: That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access

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grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives.

Section 4. SDL&I Penalty and Performance Security

Eskom will apply a penalty of 1.5% of the invoice amount for failure to meet SDL&I obligations.

Eskom will apply a penalty of 1.5% of the Contract Value for failure to meet SDL&I obligations.

For the duration of the contract, Eskom will retain 1.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon:

- Eskom receives the SDL&I progress report/s from the contractor
- Fulfilment of all SDL&I obligations by the contractor
- Submission of an approved compliance report by SDL&I Department.

Alternatively, the Contractor shall submit an **SDL&I Performance Guarantee equivalent to 0.25% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations**. The reduction of the percentage and release of the Performance Guarantee in tranches, proportionate to SDL&I's obligations' fulfilment, may be negotiated as an incentive to commit to SDL&I Undertakings mentioned above or that may be suggested by the Contractor.

Section 5. Reporting and Monitoring

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

Section 6. Market Research

The following information demonstrates market analysis and assisted in arriving at the targets above.

<u>Current Suppliers Providing the Services</u>	Potential Suppliers:
<ul style="list-style-type: none"> • Yes. 	<ul style="list-style-type: none"> • Open market

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Section 7. General Information on Validity of Sworn Affidavits

The following must be considered when it comes to validity of Affidavits;

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- Name/s of deponent as they appear in the identity document and the identity number
- Designation of the deponent as the **director, owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option)**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left)**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements or management account. (Mark the applicable option)**
- 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 day/month/year)**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)**
- 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.

Compiled by: Faye Dijkstra

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Supplier Development, Localisation & Industrialisation

Date: XXX

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