

	Invitation to Tender	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		


ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER FOR THE PROVISION OF NON-STATUTORY AUDIT SERVICES FOR ESKOM HOLDINGS SOC LIMITED AND ITS SUBSIDIARIES, OVER A PERIOD OF THREE (3) YEARS.

Tender number	Enquiry no.: MWP1264CX
Issue date	20 th May 2022
Closing date and time	23 rd June 2022 at 10h00
Tender validity period	180 days from the closing date and time
Clarification meeting	<p>No physical clarification meeting will be held due to the COVID-19 Regulations as a result only online clarification will take place.</p> <p>A non-compulsory clarification meeting will be held under the following conditions:</p> <ul style="list-style-type: none"> a) Microsoft Teams (tenderer to send their e-mail addresses to lesikamj@eskom.co.za) b) The tenderer to indicate by written notification if they would like to attend the clarification meeting, by no later 24th May 2022 at 15h00. <p>The clarification meetings will be held on the following date:</p> <ul style="list-style-type: none"> a) Microsoft Teams – 25th May 2022 at 11h00 – 12h30
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill Enquiry No: MWP1264CX Closing date: 23rd June 2022 at 10:00 (SAST)</p>

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	<p>Eskom will not take any responsibility for any late submissions as a result of non-compliance to the tender delivery requirements.</p> <p>Please do not use the main reception entrance. Tender Office is situated at the conference facilities, which is at the back of the building (Please ask at Security Points and you will be assisted with directions).</p>
Precautionary measures to be taken on delivery of Tender documents	<p>Tenderers shall ensure all precautionary measures to prevent the spread of Covid-19 virus as issued by the Department of Health or as prescribed by the Disaster Management Act and other relevant authorities, are undertaken when tender documents are transported and delivered at Eskom Megawatt Park Tender Office.</p>

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Provision of Non-Statutory Audit services for Eskom Holdings SOC Limited and its subsidiaries, over a period of three (3) years.)

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 Provision of Non-Statutory Audit services for Eskom Holdings SOC Limited and its subsidiaries, over a period of three (3) years.) will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

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

Yours faithfully

lmoya

Procurement Manager

Leonard Moya

Date: 20 May 2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	N
6.5	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.6	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.	Annexure I	Y
6.8	Supplier Development & Localisation (SDL&I) Undertaking	Annexure J	Y
6.9	Declaration and acknowledgement form for compliance to the Immigration act, 13 of 2002 and Employment services Act, 4 of 2014	Annexure K	Y
6.10	Pricing Schedule (NOT TO BE MODIFIED OR RETYPED)	Annexure L	Y
6.11	NEC3 Professional Services Contract (To be returned completed by the tenderer by submission deadline)	Annexure M	Y
6.12	Detailed Scope of services (Initialed on all pages by the tenderer)	Annexure N	Y
6.13	Detailed Technical evaluation criteria (Tenderer return to this sheet and use as guide to follow the same sequence as listed in the questionnaire when preparing a technical response file)	Annexure O	Y

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6.14	SHE (Safety, Health and Environment) Requirements	Annexure P	Y
6.15	QMS (Quality Management System) Requirements	Annexure Q	Y

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

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Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Mohau Lesikara Tel: 011 516 7117 E-mail: lesikamj@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is : MWP1264CX</p> <ul style="list-style-type: none"> • Letter of invitation to tender • Standard conditions of tender • NEC3 PSC • Scope document • Price schedule • Technical evaluation criteria • Tender returnables • The content list above
1.4 Type of Invitation to Tender	This invitation to tender is: An open Invitation to tender
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 <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • 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

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	<p>of proposed subcontractors or suppliers for any part of the Contract including related services.</p> <ul style="list-style-type: none"> • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is: Date 23 June 2022 Time 10h00</p> <p>Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: The Tender Office Eskom Megawatt Park Northside</p>

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	<p>Maxwell Drive Sunninghill Enquiry No: MWP1264CX Closing Date: 23 June 2022 at 10:00 (SAST)</p> <p>Please do not use the main reception entrance.</p> <p>Tender Office is situated at the conference facilities, which is at the back of the building (Please ask at Security Points and you will be assisted with directions).</p>
2.9 Copy of original tender	<p>The tenderer must submit <u>TWO (2) hard copies; ONE (1) original and ONE (1) complete, exact copy of the original tender</u> at tender submission deadline. Failure to submit both the original and the exact copy of the original tender will result in disqualification from further evaluation.</p> <p>N.B.: The package (envelope/box) for the tender documents shall be clearly marked on the outside “CONFIDENTIAL CORP 5044” and shall describe the title of the services for which the proposal is being submitted for. Each of the services categories must be submitted separately.</p> <p>e.g.: CONFIDENTIAL MWP1264CX</p> <p>Provision of Non-Statutory Audit Services Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill</p> <p>Eskom also requires Tenderers to submit ONE (1) additional complete SOFT COPY (memory stick or USB) of the original tender in electronic format. The memory stick or USB should include ALL tender returnables as prescribed on this Invitation to Tender document.</p> <p>Evaluations are usually based on the copy provided. Therefore, it is the tenderer’s responsibility to ensure that the copy is 100% identical to the original and Eskom will not accept any liability if it conducts its evaluations on an incomplete copy provided by the tenderer.</p>

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2.13 Tender Validity Period	The tender validity period is 26 weeks (6 months)
2.16 Site/clarification meetings	<p>No physical clarification meeting will be held due to the COVID-19 Regulations; as a result only online clarification will take place.</p> <p>A non-compulsory clarification meeting will be held under the following conditions:</p> <p>a) Microsoft Teams (tenderer to send their e-mail addresses to lesikamj@eskom.co.za)</p> <p>b) The tenderer to indicate by written notification if they would like to attend the clarification meeting, by no later 24th May 2022 at close of business.</p> <p>The clarification meetings will be held on the following date:</p> <p>a) Microsoft Teams – 25th May 2022 at 11h00 – 12h30</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 3 working days before the deadline for tender submission (20 June 2022 at 16h00).</p> <p>No telephonic requests for clarification will be accepted. Only emailed requests will be addressed and a response will be published on the Eskom Tender Bulletin and National Treasury's e-Tender Portal within one business day.</p>
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	The conditions of contract will be the NEC3 PSC
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on:</p> <p>Date: 23 June 2022 Time: 10h00</p> <p>Place: The Tender Office</p>

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	Eskom Megawatt Park Northside Maxwell Drive Sunninghill
3.5 Prices to be read out	Not applicable
3.9 Basic Compliance	Step 1 - Basic Compliance: A six step of evaluation criteria will be applied as follows: <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) complete hard copy of the original tender to Eskom plus one (1) copy • Submit a complete original tender with commercial, SD & L and financial. • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....) • Declaration by tenderer of compliance to a. The Immigration Act, 13 of 2002, and b. Employment Services Act, 4 of 2014.
3.10 Mandatory tender returnables	<p>There are mandatory requirements and failure to meet these requirements at tender closing, the tenderer will be immediately disqualified.</p> <p>a) Mandatory Professional Registration and Membership - Technical Evaluation Stage:</p> <p>All members of the proposed team must be active members of the IIA or South African Institute of Chartered Accountants (SAICA) at the time of tendering and for the entire duration of the contract:</p> <ul style="list-style-type: none"> • The IIA membership or SAICA certificates must be provided for all members listed in the tender documents. If an active and current membership certificate is not provided, the team member will not be considered, and the firm will be disqualified. • Tenderers are discouraged from proposing team members who are not in possession of a valid membership certificated at the time of tender closing. As this will lead to disqualification of the tenderer's proposal

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	<p>b) Mandatory Pricing Requirement (Hourly Rates) – Financial Evaluation Stage</p> <ul style="list-style-type: none"> Eskom will comply with the Circular 1/2021 - Guideline On Fees For Audits And Audit Performed By Private Firms On Behalf Of The Auditor-General Of South Africa (AGSA). Hourly rates for audit firms on the panel will be aligned to this circular. Tenderers will not continue to the next stage of evaluation if their rates exceed the determined charge out rates as specified by the AGSA. If a firm tenders with hourly rates that are above these rates, the tenderer will be disqualified and will not proceed to the next stage of evaluation. Eskom is required to abide to the Cost Containment Instruction Notes that are issued by National Treasury. The onus is on the supplier to obtain a copy of this document from National Treasury. See pricing schedule few pages below. <p>Note: The open tender process with negotiable standard rates which are below the Auditor General South Africa (AGSA) rates across the panel for acceptance by the tenderers and phase two which is task order allocation to be controlled by the panel control committee. to ensure fair distribution of work and equitable spend across the panel members. While bringing about significant savings by paying the same rates on all levels of skill and improving service delivery and efficiency in providing assurance services in the organisation.</p>
3.13 Functionality requirements	<p>Step 2- Functionality Evaluation</p> <ul style="list-style-type: none"> Mandatory Gatekeeper <p>a) Mandatory Professional Registration and Membership - Technical Evaluation Stage:</p> <p>All members of the proposed team must be active members of the IIA or South African Institute of Chartered Accountants (SAICA) at the time of tendering and for the entire duration of the contract:</p> <ul style="list-style-type: none"> The IIA membership or SAICA certificates must be provided for all members listed in the tender documents. If an active and current membership

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	<p>certificate is not provided, the team member will not be considered, and the firm will be disqualified.</p> <ul style="list-style-type: none"> Tenderers are discouraged from proposing team members who are not in possession of a valid membership certificated at the time of tender closing. As this will lead to disqualification of the tenderer's proposal <p>This is a mandatory requirement. Failure to meet this requirement at tender closing, the tenderer will be immediately disqualified.</p> <ul style="list-style-type: none"> Technical Evaluation <p>A full technical evaluation will be conducted <u>only</u> with tenderers that have passed the mandatory gatekeep on functionality.</p> <p>Minimum Technical requirements:</p> <p>Qualifying threshold of 75% will be applicable in the first stage of the tender process.</p> <p>This is the stage where tenderers will be required to demonstrate capability to provide the services (Functionality). Refer to Technical Evaluation Score Card Below:</p>			
	Functionality	Functionality Criteria: Capacity=30% Knowledge and Experience=45% Audit Methodology /Approach = 15% Quality Control = 10%	Maximum number of points in percentages 100%	Tenderers will be expected to score at least the minimum threshold to proceed to the next step 75%
3.15 Evaluation of price	Step 3 - Price			

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Price evaluations will be conducted in this third step of the process and will be followed by negotiations based on standard rates to be used in this panel.

An equal split of the available contract value will be spread amongst all qualifying tenderers who would have agreed on this negotiated parameter during the after the negotiation phase.

Hourly Rates – Mandatory Requirement

- Eskom will comply with the Circular 1/2021 - Guideline On Fees For Audits And Audit Performed By Private Firms On Behalf Of The Auditor-General Of South Africa (AGSA). Hourly rates for audit firms on the panel will be aligned to this circular.
- Tenderers will not continue to the next stage of evaluation if their rates exceed the determined charge out rates as specified by the AGSA. If a firm tenders with hourly rates that are above these rates, the tenderer will be disqualified and will not proceed to the next stage of evaluation.
- Eskom is required to abide to the Cost Containment Instruction Notes that are issued by National Treasury. The onus is on the supplier to obtain a copy of this document from National Treasury. See pricing schedule below:

PRICING SCHEDULE	
Tender Ref: MWP1264CX	
Tenderer's Name:	
Pricing Schedule: Non-Statutory Audit Services Panel 2022	
Skills Level	Hourly Rate Excl. VAT
Director	R 0
Manager	R 0
Supervisor	R 0
Senior Consultant	R 0
Junior Consultant	R 0

The tenderer can add skill levels as deemed necessary

Disbursement: T&S **

a) Travelling @ R3.18/km

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		<p>b) Accommodation: 3 stars graded</p> <p>**Only charged at actual occurrences and upon the employer's prior arrangement and authorisation.</p> <p><u>Hourly Rates – Cost Containment Declaration.</u></p> <ul style="list-style-type: none"> • Eskom will comply with the Circular 1/2021 - Guideline on Fees For Audits And Audit Performed By Private Firms On Behalf Of The Auditor-General Of South Africa (AGSA). Hourly rates for audit firms on the panel will be aligned to this circular. • Tenderers will not continue to the next stage of evaluation if their rates exceed the determined charge out rates as specified by the AGSA. If a firm tenders with hourly rates that are above these rates, the tenderer will be disqualified and will not proceed to the next stage of evaluation. <ul style="list-style-type: none"> • Eskom is required to abide to the Cost Containment Instruction Notes that are issued by National Treasury. The onus is on the supplier to obtain a copy of this document from National Treasury. <p>NOTE: Open tender process with negotiable standard rates which are below the Auditor General South Africa (AGSA) rates across the panel for acceptance by the tenderers and phase two which is task order allocation to be controlled by the panel control committee. to ensure fair distribution of work and equitable spend across the panel members. While bringing about significant savings by paying the same rates on all levels of skill and improving service delivery and efficiency in providing assurance services in the organisation.</p> <p>CPA FOR PROFESSIONAL SERVICES</p> <p>The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.</p>
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	<p>The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve-month period (cycle) ending before the contract anniversary date.</p> <p>I/We _____ [Authorised Person] from _____ [Name of organisation] declare that "I/We agree to comply with Cost Containment Instruction Notes that are issued by National Treasury".</p> <p>_____ Name and Surname [Authorised Person's Designation] Date: _____</p>
3.17 Evaluation of B-BBEE	<p>Price & Preference Point System 80/20</p> <p>Price and B-BBEE (Preferential point system) in terms of the PPPFA will be applied. The successful supplier to be awarded the Task Order will be the highest ranked in terms of the 80/20 preferential point system.</p> <p>Price and B-BBEE scoring will be carried out in terms of the table below:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>80 Points</p> $Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$ </div> <p>Where: Ps = Points scored for price of tender under consideration Pt = Rand value of tender under consideration Pmin = Rand value of lowest acceptable tender</p> <p>Tenderers are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their offers to substantiate the B-BBEE claims.</p>

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	Points awarded to a tenderer for attaining the B-BBEE Status Level of contribution in accordance with the table below:		
	B-BBEE	Qualification	Number of Points (80/20 system) For procurement above R30 000 up to R50 million
	1	≥ 100 points	20
	2	≥ 85 points < 100 points	18
	3	≥ 75 points < 85 points	16
	4	≥ 65 points < 75 points	12
	5	≥ 55 points < 65 points	8
	6	≥ 45 points < 55 points	6
	7	≥ 40 points < 45 points	4
	8	≥ 30 points < 40 points	2
	Non-compliant contributor	< 30 points	0
	The points scored for price will be added to the points scored for B-BBEE status level of contribution to obtain the tenderers total points scored out of a 100. The tenderer scoring the highest points may or may not be awarded the contract.		
3.18 Ranking of tenders	<p>There will be post-tender negotiations. Negotiations will be based on price and in particular standard rates for all skills within this panel for acceptance by all panel members.</p> <p>Tenderers who meet all the requirements (commercial and technical requirements) that leads to Price and B-BBEE evaluation will be ranked, and all will be eligible for negotiations. Only those that accept the Eskom negotiable standard rates for this panel will be recommended for contract award.</p>		
3.19 Participation of suppliers on the panel and process for award of Task orders.	<p>There will be award of multiple enabling agreements or panel member contracts.</p> <p>The objective is to have several suppliers available to provide proactive and probity review and other assurance auditing services for Eskom, to mitigate the risk of delays in the provision</p>		

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	<p>of proactive assurance, audit and probity services on transactions destined for Eskom Executive Committees.</p> <p>Phase 1 – Tender Process The procurement process to be followed is an open tender where tenderers will be thoroughly evaluated on SDL&L, technical capabilities for the required services and followed by Price, Financial Analysis (Financial health analysis of the tenderer) as well as SHEQ evaluations. All qualified tenderers will be engaged in negotiations where usage of standard rates proposed for this panel.</p> <p>Phase 2 – Panel Contract Management Once the suppliers are awarded contracts to be part of this panel, a panel control committee (PCC) will be appointed to manage and control task order allocation to ensure fair distribution of work and equitable spend across the panel members.</p> <p>The principle of rotation of the panel will be utilised to ensure equal opportunity for members in the panel, where a supplier has been awarded a Task Order, the supplier will be excluded from participating in the next round of the allocation and spend profile will be closely managed.</p> <p>Panel members will be afforded equal opportunities for the services with the objective of ensuring equal spend across panel members. as per the approved terms of reference (TOR).</p> <p>This will be achieved through the usage of request forms that will be presented by the service requestors supported by the contract manager to the PCC for approval.</p> <p>Commercial contracts management team will administer all requests and process task orders for acceptance by all stakeholders i.e., supplier, contract manager, service requester and finally the employer's agent.</p>
Contractual Requirements (if applicable)	<p>Step 4 - Contractual Requirements</p> <p>Step 4a – Financial Analysis</p> <ul style="list-style-type: none"> • Financial Statement Analysis

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Audited Financial Statements of the tenderer 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.

Step 4b– SHE Evaluation

• SHE Evaluation

- a) Annexure B Signed
- b) Valid Letter of Good Standing
- c) Eskom SHE Policy Signed (Confirming read and understood)
- d) Baseline Risk Assessment Signed
- e) SHE Policy (Tenderer's) Signed by CEO/MD
- f) 6.Covid-19 Plan/Policy Signed by Company Rep or/CEO or MD

Step 4c – Quality Evaluation (QMS)

• Quality Evaluation

- a) Quality Management System Requirements ISO9001
 - Quality Method Statement based on scope.
 - Quality Policy Approved by top management.
 - Quality Objectives Approved by top management.
- b) Evidence of QMS in operation Ref QM-58
 - Documented information for defined roles, responsibilities and authorities.
 - Documented information for control of externally provided processes, products and services.
- c) Customer specific requirements and other standards
 - Form A is completed and signed.

N.B.: Any mandatory SHEQ requirements prescribed by law and Eskom required to be complied with prior to contract award will be fulfilled before.

Please Note:

Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and

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	<p>ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>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.</p>
--	--

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

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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
Basic Compliance	One (1) hard copy of the tender	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
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	✓	
Annexure I	Supplier Development & Localisation (SD&L) Undertaking		✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	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)		✓
	“proof of B-BBEE status level of contributor” means:-	✓	

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	(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.		✓
*“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;	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the		✓

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	SBD1 document, however no proof of tax compliance is required.		
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
Annexure M NEC Documentation	Completed NEC pricing schedule and contract data.	✓	
Additional documents required: IIA Membership or SAICA certificates	<p>There are mandatory requirements and failure to meet these requirements at tender closing, the tenderer will be immediately disqualified.</p> <p>All members of the proposed team must be active members of the IIA or South African Institute of Chartered Accountants (SAICA) at the time of tendering and for the entire duration of the contract:</p> <ul style="list-style-type: none"> The IIA membership or SAICA certificates must be provided for all members listed in the tender documents. If an active and current membership certificate is not provided, the team member will not be 	✓	

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	<p>considered, and the firm will be disqualified.</p> <ul style="list-style-type: none"> Tenderers are discouraged from proposing team members who are not in possession of a valid membership certificated at the time of tender closing. As this will lead to disqualification of the tenderer's proposal 		
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Annexure P Safety	SHE Evaluation <ul style="list-style-type: none"> a) Annexure B Signed b) Valid Letter of Good Standing - COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only) c) Eskom SHE Policy Signed (Confirming read and understood) d) Baseline Risk Assessment Signed e) SHE Policy (Tenderer's) Signed by CEO/MD f) Covid-19 Plan/Policy Signed by Company Rep or/CEO or MD 		✓
Annexure Q Quality	Quality Evaluation (QMS) <ul style="list-style-type: none"> Quality Evaluation <ul style="list-style-type: none"> a) Quality Management System Requirements ISO9001 <ul style="list-style-type: none"> Quality Method Statement based on scope. Quality Policy Approved by top management. Quality Objectives Approved by top management. b) Evidence of QMS in operation Ref QM-58 <ul style="list-style-type: none"> Documented information for defined roles, responsibilities and authorities. 		✓

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	<ul style="list-style-type: none"> Documented information for control of externally provided processes, products and services. c) Customer specific requirements and other standards <ul style="list-style-type: none"> Form A is completed and signed. 		
Annexure R Due Diligence	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.		✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Annexure N	1. Scope of services (Initialed on all pages by the tenderer)	✓	
Annexure O	2. Detailed Technical evaluation criteria (Tenderer to return to this sheet and use as guide to follow the same sequence as listed in the questionnaire when preparing a technical response file)	✓	

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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: ☐

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. _____

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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.
4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
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_____

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- 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
 - 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: _____

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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 and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

(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:-

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- an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
- or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
- an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)); and
- **a juristic person is “related” to another juristic person if :-**
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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/	Full Names & Capacity/Position of Eskom employee/ director/ consultant and	To your knowledge is this person involved in the
---	--------------------	---	---	---

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1. If any			director.	details of the relationship or interest(marital/familial/personal/financial etc.)	evaluation/adjudication/negotiation of tenders

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


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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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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><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		

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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 (www.treasury.gov.za).</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>			
1.3.1	Provide details.			
1.4	<p>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</p>			

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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.


Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

I, the undersigned, _____ hereby confirm that acting in the capacity of lead partner, I am duly authorised to sign all documents in connection with the tender and any contract resulting

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from it on behalf of _____ (insert the full legal name of the JV).

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

1. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

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

No fixed portion is mandatory.

Signed	Date
Name	Position
Tenderer	

Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material		

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Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	SEIFSA, G-1, electrical engineering material		StasSA, PO142.1), PPI <ul style="list-style-type: none">Final Manufactur ed GoodsOrIntermediat e Manufactur ed Goods ORSEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc	Building and construction material SEIFSA, G, building and construction material		
	Lead SEIFSA ,F, lead			
Closing date of tender _____/_____/_____				
TENDERER'S SIGNATURE _____				

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ANNEXURE G

SBD 1

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					


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

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

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			

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ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	A REGISTERED AUDITOR	
		NAME:	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
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 PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1.BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE

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1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
☐ YES ☐ NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES
☐ NO


3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?
☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO

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OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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Annexure 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	

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CONTRIBUTOR	
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

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section 9 (1) of the Broad-Based Black Economic Empowerment Act;

- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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

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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		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....
.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....

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8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]


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

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

- 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.

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<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--	--

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