

	<b>Invitation to Tender/ Request for Proposal (RFP)</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	11
		<b>Effective Date</b>	18 February 2022		
		<b>Review Date</b>	February 2027		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER


#### FOR

### MAINTENANCE AND CALIBRATION OF WEIGHBRIDGE SCALES AT KRIEL POWER STATION FOR A PERIOD OF FIVE (5) YEARS ON AN “AS AND WHEN” REQUIRED BASIS

<b>Tender number</b>	<b>MPKRI10279GX</b>
<b>Issue date</b>	<b>31 May 2022</b>
<b>Closing date and time</b>	<b>04 July 2022 at 10h00</b>
<b>Tender validity period</b>	<b>120 days from the closing date and time</b>
<b>Clarification meeting</b>	<p>Date: 14 June 2022</p> <p>Time: 11:00</p> <p>Tenderers to download <b>Microsoft Teams</b> or use a <b>supported internet browser</b> in order to be part of the clarification meeting. <b>Send your email addresses, with company details, the enquiry number and tender description</b>, 5 days before the date of the meeting, to the Eskom Representative: <a href="mailto:nairp@eskom.co.za">nairp@eskom.co.za</a> for an appointment to be sent to you. Click on the link in the appointment to join the meeting</p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p>ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</p> <p>GPS Co-ordinates: Latitude: 25.87723S Longitude: 29.21629E</p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for Maintenance and Calibration of Weighbridge Scales at Kriel Power Station for a period of five (5) years on an “as and when” required basis.

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.

The tender documents are available from the Eskom Tender Bulletin ([www.eskom.co.za](http://www.eskom.co.za)), the National Treasury e-Portal ([www.etenders.gov.za](http://www.etenders.gov.za)).

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

Yours faithfully



Busisiwe M Sikhosana

Procurement Manager – Kriel

Date: 15/05/2022

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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/ N/A)
Commercial			
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer’s particulars	Annexure B	Y
6.3	*Integrity Declaration Form	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
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	Authority to Submit a Tender		Separate Documents
6.7	NEC, including clauses, conditions, price list and work scope		
6.8	Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 9		
6.9	Code of Ethics 32-527		
6.10	Supplier Integrity Pact 240113650212 June 2016		
6.11	Non-Disclosure Agreement		
6.12	Supplier Declaration of Interest		
6.13	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		
Supplier Development Localisation & Industrialisation			
6.14	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.15	SDL&I Undertaking		Separate Document
Quality			
6.16	240-68099512 Form A 2018 Rev 5		Separate Documents
6.17	240-109253302 ITP Template 2016		
6.18	240-109253698 CQP Template 2016		
6.19	240-126469599_Method Statement template		
6.20	Category 2- List of Tender Returnables Documents Rev 2		
6.21	Supplier Quality Management Specification		

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Environmental			
6.22	Environmental – Slide Overview		Separate Document
Safety & Health			
6.23	Safety Annexure B 240-77471499 SHE Rules		Separate Documents
6.24	Safety Annexure C1 240-77471969 Rev 1 July 2014		
6.25	Safety Hazardous List		
6.26	Safety SHE Specification Scope Specific		
6.27	Safety Contractor Health & Safety Requirements 32-136		

## 1.2 Tender Data

The Tender Data makes several references to the **Eskom Standard Conditions of Tender (Rev 9)** 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 (Rev 9)** 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 Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is:  Name: Presheen Nair  Address: Procurement Department, Kriel Power Station  Tel: 017 615 2437  Fax: 086 665 4966  E-mail: nairp@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is : <b>MPKRI10279GX</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to tender</li> </ol>

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1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p> <p><b>Do not make any changes to the price list</b>  <b>If all line items are not quoted, Eskom reserves the right to use the highest price tendered for evaluation purposes.</b>  <b>Price list to be signed</b></p>
1.7 Eskom's right to negotiate	Eskom reserves the right to enter into mandated negotiations with any one or more selected tenderer(s) in accordance with Eskom's approved procurement policies and procedures.
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 <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 of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <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> </ul>

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	<ul style="list-style-type: none"> <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>04 July 2022</b></p> <p>Time: <b>10:00</b></p> <p><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></p> <table border="1"> <tr> <td> <b>THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b> </td><td> <b><u>GPS Co-ordinates:</u></b>  <b>Latitude: 25.87723S</b>  <b>Longitude: 29.21629E</b> </td></tr> </table>	<b>THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b>	<b><u>GPS Co-ordinates:</u></b> <b>Latitude: 25.87723S</b> <b>Longitude: 29.21629E</b>
<b>THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b>	<b><u>GPS Co-ordinates:</u></b> <b>Latitude: 25.87723S</b> <b>Longitude: 29.21629E</b>		
2.7 - 2.12 Submitting a Tender	<p>It is requested that the tenderer submit the tender document in different sections and NOT in one file :</p> <p>The tender to be submitted in the following sections:</p> <ul style="list-style-type: none"> <li>SDL&amp;I and Commercial documents (1)</li> <li>Technical documents (2)</li> <li>Safety, Health, Environmental documents (3)</li> </ul> <p>Each section to be bound or put into a separate file. Do not submit loose pages.</p> <p><b>The cover page of the file to have the following information</b></p> <ul style="list-style-type: none"> <li>Company Details,</li> <li>Tender Enquiry Number,</li> <li>Description and</li> <li>Power Station</li> </ul>		

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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>Eskom requires that one (1) additional complete soft copy of the original tender is required in electronic format – <b>USB only</b>. No CD's.</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>120 days</b> .
2.16 Site/clarification meetings	<p>A non- compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>14 June 2022</b></p> <p>Time: <b>11:00</b></p> <p>Venue: <b>MS Teams</b></p> <p><b>Tenderers to download Microsoft Teams or use a supported internet browser in order to be part of the clarification meeting. Send your email addresses, with company details, the enquiry number and tender description, 5 days before the date of the meeting, to the Eskom Representative: <a href="mailto:nairp@eskom.co.za">nairp@eskom.co.za</a> for an appointment to be sent to you. Click on the link in the appointment to join the meeting</b></p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p> <p><b>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5 (five)</b> working days before the deadline for tender submission.

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2.22 Alterations to documents	<p>Do not make any alterations or additions to the tender documents, other than for purposes of complying with instructions issued by the Eskom Representative or if necessary to correct errors made by the tenderer. All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.</p> <p>The Word document can be used to type out tenderer's information. Do not make any other changes to the documents.</p>
2.23 Alternative tenders	<p>Alternative tenders are not allowed.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> <li>• A different completion date.</li> <li>• A different payment method.</li> <li>• Different technical methods and specifications</li> </ul> <p>A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract</p>
2.25 Conditions of contract	The conditions of contract will be the NEC 3 Terms Service Contract
2.31 Provision of security for performance	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.</p> <p>The following bonds are required for this enquiry:-</p> <p>N/A</p>
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline;
3.5 Prices to be read out	Prices will not be read out.
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) hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul>

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3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.																
3.11 Pre-qualification criteria	Pre-qualification criteria are not applicable																
3.12 Designated materials and thresholds	Designated material thresholds are not applicable																
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Phase 1 Mandatory Requirements:</p> <table border="1"> <tr> <td rowspan="3"><b>Mandatory Requirements</b></td><td>Contractor must be SANAS and NRCS accredited (NRCS Designation Verification Body, NRCS Designation Repair body and SANAS Accredited verification laboratory)</td></tr> <tr> <td>The contractor must have a test weights with valid SANAS Accredited calibration test certificates</td></tr> <tr> <td>The contractor has qualified scales technicians as per the Metrology Act requirements (Verification Officers and person responsible for repairs)</td></tr> </table> <table border="1"> <thead> <tr> <th>Criteria</th><th>Weight</th></tr> </thead> <tbody> <tr> <td>The contractor must own the software</td><td>40%</td></tr> <tr> <td>The contractor must have 3 – 5 years of experience working with scales</td><td>35%</td></tr> <tr> <td>The contractor scales technicians with 3 -5 years of experience working with scales</td><td>20%</td></tr> <tr> <td>Verification and calibration procedures or methodologies</td><td>5%</td></tr> <tr> <td><b>Threshold</b></td><td><b>70%</b></td></tr> </tbody> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>	<b>Mandatory Requirements</b>	Contractor must be SANAS and NRCS accredited (NRCS Designation Verification Body, NRCS Designation Repair body and SANAS Accredited verification laboratory)	The contractor must have a test weights with valid SANAS Accredited calibration test certificates	The contractor has qualified scales technicians as per the Metrology Act requirements (Verification Officers and person responsible for repairs)	Criteria	Weight	The contractor must own the software	40%	The contractor must have 3 – 5 years of experience working with scales	35%	The contractor scales technicians with 3 -5 years of experience working with scales	20%	Verification and calibration procedures or methodologies	5%	<b>Threshold</b>	<b>70%</b>
<b>Mandatory Requirements</b>	Contractor must be SANAS and NRCS accredited (NRCS Designation Verification Body, NRCS Designation Repair body and SANAS Accredited verification laboratory)																
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<b>Threshold</b>	<b>70%</b>																

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3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> <li>• Exclusive 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>• Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</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 effected.</li> </ul> <p>Prices will be scored out of 80 or 90 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 not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20)</p>
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>

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3.19 Objective Criteria (if applicable)	<p>Objective criteria are not applicable</p> <p><b>Please note:-</b></p> <ul style="list-style-type: none"> <li>• “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</li> <li>• Tenderers will not be disqualified if they do not comply with the objective criteria</li> <li>• Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</li> </ul>
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction is not applicable</p> <p><b>Please note:-</b></p> <p>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>
Contractual Requirements	<p>Contractual Requirements may include the following :</p> <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> <li>• Financial statements; and/or</li> </ul> <p><b>Please Note:</b></p> <p>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.</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>

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CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable
Evaluation of Tenders	<p>The evaluation will be conducted in terms of the Preferential Procurement Policy Framework Act ("PPPFA"). The evaluation process and criteria will be as follows:</p> <ul style="list-style-type: none"> <li>• Stage 1: Acceptance/ Responsive Tender</li> <li>• Stage 2: Technical Functional Criteria</li> <li>• Stage 3: SDL&amp;I Evaluation</li> <li>• Stage 4: Price and BBEE (80/20)</li> <li>• Stage 5: Contractual requirements</li> </ul>
Communication	<p>The Eskom Tender Bulletin and the National Treasury Website will be the primary medium of communication.</p> <p>The Tenderer is required to check if any communication that needs the tenderers attention has been published as well as updated tender information.</p>
<b>Signing of Tender Documents</b>	<b>Please note that all tender returnables under the mandatory section that requires the tenderers signature, needs to be signed in full. Failure to sign the tender documents in full will render the tender non-responsive.</b>

**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
<b>Basic Compliance</b>	<ul style="list-style-type: none"> <li>Basic compliance for this invitation to tender are: <ul style="list-style-type: none"> <li>Meet the eligibility criteria for a tenderer</li> <li>Submit one (1) hard copy of the original tender to Eskom with commercial, financial and technical information (duplication of the original)</li> <li>Submit a complete original tender with commercial, financial and technical information</li> <li>Submission of the mandatory commercial tender returnables as at stipulated deadlines (as per the tender returnable table)</li> <li>Central Supplier Database (CSD) number (MAA.....)</li> </ul> </li> </ul>	✓	
<b>Annexure A</b>	Acknowledgement Form		✓
<b>Annexure B</b>	Tenderers Particulars		✓
<b>Annexure C Compulsory</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	CPA for local goods/services	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers) <b>Compulsory</b>	SBD 1- to be submitted with the tender at tender submission deadline	✓	

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<b>Authority Form / Letter Compulsory</b>	Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)	✓	
<b>Tax Clearance Certificates</b>	<p>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).</p> <p>Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.</p>		✓
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
<b>Compliance with Employment Equity Act</b>	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)		✓
<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)		✓

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<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>NEC Documentation</b>	C1.1 Offer and Acceptance (no alternative offers after tender submission) Offer and acceptance to be signed with the total contract value included	✓	
	C1.2 Contract Data (Part Two – Data provided by the Contractor) To be completed in full  If the direct fee and subcontractor fee is not completed, payment will be at actual cost without any fee percentage considered  If the shorter schedule of cost components is not completed, payment will be at actual cost  If the fee percentages in the Short Schedule of Cost Components is not completed, payment will be at actual cost without any fee percentage considered	✓	
	Price List Do not make any changes to the price list If all line items are not quoted, Eskom reserves the right to use the highest price tendered for evaluation purposes. Price list to be signed	✓	

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<b>Supplier Development &amp; Localisation</b>			
<b>Company Documents</b>	<ul style="list-style-type: none"> <li>• “Proof of B-BBEE status level of contributor” for main contractor</li> </ul>		✓
	<ul style="list-style-type: none"> <li>• CSD number</li> </ul>		✓
<b>*B-BBEE Certificates</b>	<ul style="list-style-type: none"> <li>• Copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; <b>or</b></li> <li>• Certified copy of B-BBEE Sworn Affidavit for either EME or QSE.; <b>or</b></li> <li>• Copy of B-BBEE Certificate issued by CIPC for EMEs’ only.</li> </ul> <p><b>KEY NOTES OF DETERMINING VALIDITY OF B-BBEE SWORN AFFIDAVITS:</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) Designation of the deponent as either the <b>director</b>, <b>owner</b> or <b>member</b> must be indicated in order to know that person is duly authorised to depose of an affidavit. <b><u>(Mark the applicable option).</u></b></p> <p>c) Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</p> <p>d) 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. <b><u>(No blank spaces to be left).</u></b></p> <p>e) Indicate total revenue for the year under review and whether it is based on <b>audited financial statements</b> or <b>management account</b>. <b><u>(Mark the applicable option).</u></b></p> <p>f) Financial year end as per the <b>enterprise’s registration documents</b>, which was used to determine the total revenue. <b><u>(Financial year end to be stipulated by day/month/year).</u></b></p>	✓	

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	<p>g) B-BBEE Status level. An enterprise can only have one status level. <b>(Tick applicable level)</b></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><u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u></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>B-BBEE certificate to be used for scoring purposes, if the certificate is not submitted with the tender, the tenderer will score zero (0) and will not be disqualified.</p>		
<b>Additional Documents required in event of JV:-</b>	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)		✓
	* A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Certificate from the accredited agency for every separate tender.	✓	
	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>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
<b>SDL&amp;I Undertaking</b>	SDL&I Undertaking Proposal sheet (will form part of contractual requirements)		✓

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<b>CSI</b>	CSI% to be negotiated to 1.5%		✓
<b>Other Documents</b>	<ul style="list-style-type: none"> <li>CIPC Registration Documents</li> </ul>		✓
	<ul style="list-style-type: none"> <li>Financial Statements</li> </ul> <p>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.</p>		✓
	<ul style="list-style-type: none"> <li>ID copy of Member/s, Shareholder/s and/or Director/s</li> </ul>		✓
	<ul style="list-style-type: none"> <li>Share Certificate/s</li> </ul>		✓

## DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

### DOCUMENTS REQUIRED AS CONTRACTUAL REQUIREMENTS

#### SHEQ DOCUMENTS REQUIRED UNDER CONTRACTUAL OBLIGATION

##### Please Note:

Contractual requirements are not evaluation criteria – does not result in a disqualification if not submitted at tender stage. They are required to be met and assessed after the evaluation and ranking of the tenders. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. However it is advisable to submit the documents at tender stage to avoid delays and possible disqualification.

#### Safety C1

<b>Annexure B</b>	Is the acknowledgement of <b>Eskom's SHE rules</b> and requirements form ( <b>Annexure B</b> ) signed and submitted by the tenderer?
<b>Costing for Safety Health and Environmental management</b>	<p>Has the tenderer submitted detailed (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. –</p> <ul style="list-style-type: none"> <li>based on the overall scope of work/service to be performed;</li> <li>the generic scope of work/service risk assessment – this may serve as a guideline.</li> </ul>
<b>Safety, Health and Environmental Plan for Scope of work not limited to the following: (Applicable to High risk)</b>	<ul style="list-style-type: none"> <li>SHE organization within the Company- Responsibility &amp; Accountability</li> <li>SHE Incident management</li> </ul>

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	<ul style="list-style-type: none"> <li>• Planning of conduct of work activities including planning for changes and emergency work</li> <li>• Waste management plan</li> <li>• PPE- Personal Protective Equipment</li> <li>• Emergency planning and fire risk management</li> <li>• Vehicle and driver behavior safety</li> <li>• Contractor or supplier selection and management</li> <li>• Design and specifications</li> <li>• Competency, training, appointments</li> <li>• Communication and awareness</li> </ul> Management commitment and visible felt leadership
<b>Environmental Management plan</b>	(Applicable to high risk work only)
<b>OHS plan</b>	(Applicable to high risk work only) <ul style="list-style-type: none"> <li>• OHS organization within the Company- Responsibility &amp; Accountability</li> <li>• SHE Incident management</li> <li>• Planning of conduct of work activities including planning for changes and emergency work</li> <li>• PPE- Personal Protective Equipment</li> <li>• Emergency planning and fire risk management</li> <li>• Vehicle and driver behavior safety</li> <li>• Contractor or supplier selection and management</li> <li>• Design and specifications</li> <li>• Competency, training, appointments</li> <li>• Communication and awareness</li> </ul> Management commitment and visible felt leadership
<b>Baseline Risk Assessment (BRA)</b>	Identification, assessment and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA, should be in line with the hazard checklist provided
<b>Valid Letter of Good Standing (COIDA or equivalent)</b>	The date of Expiry should not be later then the date of closing date for the tender
<b>SHE policy signed by CEO/ MD-</b>	Comply to OHS Act Section 7 or OSHAS 18001
<b>Medical fitness certificate</b>	x 1 or Medical surveillance program for non-operational suppliers or supplier with no employees
<b>SHE Competency</b>	(Consider scope of work, risks, SHE plans and applicability) CV's and qualifications / certificates e.g. <ul style="list-style-type: none"> <li>- First aiders</li> <li>- Safety officer</li> <li>- Environmental officer</li> <li>- SHE officer</li> <li>- SHE Representative</li> <li>- HCS Controller</li> <li>- Incident investigator</li> </ul>

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Quality Cat 2	
<b>SECTION A : Quality Management System Requirements ISO 9001</b> <b>(Option 1) Valid certification of Quality Management System by an ISO accredited body</b>	<ul style="list-style-type: none"> <li>- A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant</li> <li>- A.2 Certificate by Approved and Authorized certification authority</li> <li>- A.3 Certification Authority has Recognized International Accreditation</li> <li>- A.4 Validity (expiry date) of certificate</li> </ul>
<b>SECTION A : Quality Management System Requirements ISO 9001</b> <b>(Option 2) Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>	<ul style="list-style-type: none"> <li>- A.1 QMS Manual <b>or</b> a document that defines and describes the QMS and its scope <b>or</b> Quality Method statement based on scope.</li> <li>- A.2 Quality Policy Approved by top management.</li> <li>- A.3 Quality Objectives Approved by top management.</li> <li>- A.4 Records required by ISO 9001 standard (List of Records)</li> <li>- A.5 Control of documented information</li> <li>- A.6 Documented information for Control of nonconforming outputs</li> <li>- A.7 Documented information for Nonconformity and Corrective action</li> <li>- A.8 Documented information for Internal audit</li> </ul>
<b>SECTION B :Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)</b>	<ul style="list-style-type: none"> <li>- B.1 Documented information for defined roles, responsibilities and authorities</li> <li>- B.2 Documented information for Control of Externally Provided Processes, Products and Services</li> <li>- B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports)</li> </ul>
<b>SECTION C: Contract Quality Plan Requirements (Ref QM-58 and 240-109253698).</b> <b>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</b>	<ul style="list-style-type: none"> <li>- NB! Draft Contract/Project Quality Plan has important QA deliverables</li> </ul>
<b>SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302)</b> <b>QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 &amp; QM 58)</b>	NB! Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref QM-58)</b> <b>Customer specific requirements &amp; other standards and required can be listed and evaluated here</b>	<ul style="list-style-type: none"> <li>- E.1 Form A is completed and signed.</li> <li>- E.2 Add other requirements (if applicable) as per the scope of work and/ or specification</li> </ul>

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<b>Environmental</b>	
<b>Environmental Policy</b>	The contractor must submit an Environmental Policy and proof of communicating it with the employees (project team). The policy should demonstrate your organization (top management)'s commitment to protection of the environment which is not only intended to prevent adverse environmental impacts through prevention of pollution, but to protect the natural environment from harm and degradation arising from the organisation's activities, products and services. The policy must also demonstrate commitment to compliance with legal and other requirements, prevent pollution and continually improve environmental performance.
<b>Environmental Aspects and Impacts Register</b>	The contractor shall determine the aspects related to the scope of work. Aspect is an element of organization's activity, products or services which may interact with the environment and may cause negative or positive impact. While impact – refers to any change on the environment whether adverse or beneficiary. Changes to the environment, either adverse or beneficial, that result wholly or partially from environmental aspects are called environmental impacts. The environmental impact can occur at local, regional and global scales, and also can be direct, indirect or cumulative by nature. The relationship between environmental aspects and environmental impacts is one of cause and effect.
<b>Environmental Management Plan</b>	The contractor must develop an environmental management plan (EMP) specific to the project - Maintenance and Calibration of Weighbridge Scales at Kriel Power Station for a period of five (5) years on an "as and when" required basis. The EMP shall address how activities, which have potential to cause environmental impacts, will be managed during the lifespan of a project. Issues to be addressed may include but are not limited to noise, odour, dust, air quality, water quality, erosion, use of hazardous chemicals as well as waste generated.
<b>Environmental Representative</b>	<p>The contractor must provide an appointment letter signed for the organisation's Environmental representative. The appointment letter shall be signed by the Top Management and the appointed representative. Responsibilities for the representative shall include the following:</p> <ul style="list-style-type: none"> <li>• Implementation and maintenance of the Environmental Management System.</li> <li>• Ensuring the aspects and impacts of the organisation's products, activities and services are determined, documented, communicated,</li> </ul>

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	<p>updated and managed in line with applicable compliance obligations</p> <ul style="list-style-type: none"> <li>Ensuring that environmental non-conformances arising from internal assessments and audits are effectively closed through implementing and tracking of corrective and preventive action plans.</li> <li>Represent the organisation and participate in environmental management and related forums.</li> <li>Undertaking internal assessments and reporting on the results as and when required to ensure that site conditions comply with the ISO 14001:2015 standard requirements, environmental authorisations, permits, licenses, notices and Environmental Management Plan requirements. This includes reporting on the Kriel Power Station EMS Scorecard for contractors</li> </ul>
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DOCUMENTS REQUIRED UNDER MANDATORY REQUIREMENTS			
Technical (required for mandatory evaluation) If the mandatory documents are not submitted with the tender, the tenderer will be disqualified	Contractor must be SANAS and NRCS accredited (NRCS Designation Verification Body, NRCS Designation Repair body and SANAS Accredited verification laboratory)	✓	
	The contractor must have a test weights with valid SANAS Accredited calibration test certificates	✓	
	The contractor has qualified scales technicians as per the Metrology Act requirements (Verification Officers and person responsible for repairs)	✓	
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring) If the threshold of 70% is not met, the tenderer will not be evaluated further.	The contractor must own the software	✓	
	The contractor must have 3 – 5 years of experience working with scales	✓	
	The contractor scales technicians with 3 -5 years of experience working with scales	✓	
	Verification and calibration procedures or methodologies	✓	

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## Technical Evaluation Criteria

### Mandatory Technical Evaluation Criteria

	Description	Reference	Motivation
1.	Service Provider accreditation, test weights and technician's requirements	Mandatory Technical Criteria 1.1, 1.2 and 1.3	Legal requirement as per the Legal Metrology Act

Mandatory (Gatekeepers) Criteria			
Tenderers to meet all mandatory requirements to qualify on Technical Evaluation			
Mandatory Technical Criteria Description (Gatekeepers)		Reference to Technical Specification / Tender Returnable	Criteria Weighting (Yes/No)
<b>1.1 Contractor must be SANAS and NRCS accredited (NRCS Designation Verification Body, NRCS Designation Repair body and SANAS Accredited verification laboratory)</b>			
1.1.1 Contractor has SANAS and NRCS accreditation – <b>Yes/No</b>		SANAS/NRCS Accreditation certificates	
<b>1.2 The contractor must have a test weights with valid SANAS Accredited calibration test certificates.</b>			
1.2.1 The contractor has SANAS accredited test weights certificates – <b>Yes/No.</b>		SANAS Calibration test certificates	
<b>1.3 The contractor has qualified scales technicians as per the Metrology Act requirements (Verification Officers and person responsible for repairs)</b>			
1.3.1 Technicians are qualified as per the Metrology Act requirements – <b>Yes/No.</b>		SANAS/NRCS Certificates	
Tenderers who do not meet <b>all</b> of mandatory criteria will not be evaluated further.			

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## QUALITATIVE TECHNICAL EVALUATION CRITERIA

Qualitative Criteria				
Tenderers to Score <b>70%</b> and above to qualify on Technical Evaluation				
Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Sub Weighting (%)	Criteria Weighting (%)	
<b>2.1 The contractor must own the software</b>			<b>100%</b>	
2.1.1 Contractor own the weighbridge software - <b>100%</b> . 2.1.2 Contractor have a signed agreement with the software developer - <b>80%</b> . 2.1.3 Contractor does not own or have a signed agreement with the software developer - <b>0%</b> .	Proof of software ownership or signed contract with the software developer	<b>40%</b>		
<b>2.2 The contractor must have 3 – 5 years of experience working with scales</b>				
2.2.1 Contractor have more than 5 years working experience with weighbridge scales - <b>100%</b> . 2.2.2 Contractor have 4 - 5 years working experience with weighbridge scales - <b>90%</b> . 2.2.3 Contractor have 3 - 4 years working experience with weighbridge scales - <b>80%</b> . 2.2.4 Contractor have 2 - 3 years working experience with weighbridge scales - <b>70%</b> . 2.2.5 Contractor have working experience with weighbridge scales not more than 2 years - <b>50%</b> 2.2.6 Contractor have <b>NO</b> working with weighbridge scales - <b>0%</b>	Company Experience profile	<b>35%</b>		
<b>2.3 The contractor scales technicians with 3 -5 years of experience working with scales</b>				
2.3.1 Technicians have more than 5 years working experience with weighbridge scales - <b>100%</b> . 2.3.2 Technicians have 4 - 5 years working experience with weighbridge scales - <b>90%</b> . 2.3.3 Technicians have 3 - 4 years working experience with weighbridge scales - <b>80%</b> . 2.3.4 Technicians have 2 - 3 years working experience with weighbridge scales - <b>70%</b> . 2.3.5 Technicians have working experience with weighbridge scales not more than 2 years - <b>50%</b> 2.3.6 Technicians have <b>NO</b> working with weighbridge scales - <b>0%</b>	CV's and qualifications of technicians	<b>20%</b>		
<b>2.4 Verification and calibration procedures or methodologies</b>				
2.4.1 The contractor has approved verification and calibration procedures – <b>100%</b> 2.4.2 The contractor has a verification procedure that is not approved or outdated - <b>75%</b> . 2.3.3 The contractor has <b>NO</b> approved verification and calibration procedures – <b>0%</b>	Copies of verifications and calibration procedures or methodology	<b>5%</b>		
Tenderers who do not meet the threshold of <b>70%</b> will not be evaluated further.				

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Correct as stated in the Invitation to Tender Content List, and that each document is complete. ☐

Or: Incorrect or incomplete for the following reasons: ☐

---



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### **Cataloguing Acknowledgement:**

**[Please select the relevant statement by ticking the appropriate box below]:**

1. We agree to provide the cataloguing information as described in the *tender submission*.  
☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous invitation to tender/RFQ number***] ☐ \_\_\_\_\_
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position. ☐

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Invitation to Tender: MPKRI10279GX	Maintenance and Calibration of Weighbridge Scales at Kriel Power Station for a period of five (5) years on an “as and when” required basis
Name of company <b>OR</b> JV	
Company Registration Number	
Physical Address	
Postal Address	
Country of registration	
Name of contact person	
<b>Contact details of contact person:</b>	
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: Both single entities and joint ventures to complete the information below (lead partner to complete in the case of a Joint Venture)**

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	

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1	If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom					
2	If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury					
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 <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>					
5	Alternatively, you may contact for assistance (Eskom Vendor Management): Maluta Mukwevho, tel 013 693 2520, <a href="mailto:Maluta.mukwevho@eskom.co.za">Maluta.mukwevho@eskom.co.za</a>					
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 E-filing 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).	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						
8	<b>If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.9</b>					
8.1	Confirm if you intend sub-contracting	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
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?	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						
8.5	If yes to 8.4, please provide CSD number					
8.6	Please confirm B-BBEE level of said sub-contractor					

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8.7	<ul style="list-style-type: none"> <li>Which designated group does the sub-contractor belong to:-           <ul style="list-style-type: none"> <li>a. Black people</li> <li>b. Black people who are youth</li> <li>c. Black people who are women</li> <li>d. Black people with disabilities</li> <li>e. Black people living in rural or underdeveloped areas or townships</li> <li>f. Cooperatives which are 51% owned by Black people</li> <li>g. Black people who are military veterans</li> </ul> </li> </ul>					
	If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises					
8.8	Please confirm that you have attached your signed intent to sub-contract document.	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
YES						
NO						
8.9	Have you attached proof of sub-contractor's belonging to designated group	<table border="1"> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td></td> </tr> </table>	YES		NO	
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).

Name:	Signature:
Date:	Designation:

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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.

**Note:** Both parties of the JV to sign below

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

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## **ANNEXURE C - Compulsory to be completed in full**

### **INTEGRITY DECLARATION FORM**

*(Form to be completed and signed by supplier/tenderer as Invitation to Tender 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 :-**
  - (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 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.

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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 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. \_\_\_\_\_

**Note: Failure to sign in full and to answer the two questions above will result in a non-responsive tender.**

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## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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><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></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 tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	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?		

**Note: Failure to answer all the questions above will result in a non-responsive tender. Failure to sign the document in full will result in a non-responsive tender**

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 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>	

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### **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 may be rejected, and that Eskom will act against the JV 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>	

**(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).**

**Note: Lead partner of the JV to sign above**

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## **ANNEXURE D**

### **CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

#### **THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS**

*This Section will not be applicable to professional services contract*

#### **1. APPLICATION OF CPA**

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

**Failure to do so may result in the supplier's offer(s) being disqualified.**

##### **b. Additional/Alternative offer:**

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 5. NUMBER OF FORMULAE & INDICES

- The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

### 6. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

### 7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:  
*The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:  
*The average for the month before the month in which the Enquiry closes*
- In this case, the following shall apply:
  - Where the average is published:  
*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*
  - Where a high, low and mean are published:  
*The mean*
  - Where other prices than the Cash Settlement or Cash Sellers Price are published:

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*The Cash Settlement or Cash Sellers Price*

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

## 8. 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	Processed material	Transport
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material	SEIFSA, L2, road freight costs

Closing date of tender _____/_____/_____ TENDERER'S SIGNATURE _____
--

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## **Contract Price Adjustment**

**This contract is for an estimated period of 5 (five) years.**

The prices will be fixed and firm for the first year of the contract and thereafter subject to CPA as per the formula below provided by the tenderer.

**Proposed portions to add up to 100%**

Description of Work	Proportion %	Source of Index (CPI, PPI, )	Index Table
Fixed	0.15		
Total Percentage:	1		

Signed

Date

Name

Position

Tenderer

**The proposed tables below will be negotiated if an alternative proposal is not submitted by the tenderer in the above table.**

CPA Tables			
Components	Table	Index	Proportion %
Fixed Portion			0.15
Material - Mechanical Engineering	Table G-1 Electrical	Seifsa	0.23
Transport	Table L-2(A)	Seifsa	0.02
Labour	Table C-3	Seifsa	0.60
<b>TOTAL</b>			<b>1</b>

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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:	MPKRI10279GX	CLOSING DATE:	04 July 2022	CLOSING TIME:	10:00
DESCRIPTION	Maintenance and Calibration of Weighbridge Scales at Kriel Power Station for a period of five (5) years on an "as and when" required basis				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>ESKOM TENDER BOX</b> <b>GROUND FLOOR</b> <b>NO. 10 SMUTS AVENUE</b> <b>WITBANK / EMALAHLENI</b> <b>MPUMALANGA</b>  <b>GPS Co-ordinates:</b> <b>Latitude: 25.87723S</b> <b>Longitude: 29.21629E</b>					
<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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<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)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

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**[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)	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	Procurement Department	CONTACT PERSON	<b>Presheen Nair</b>
CONTACT PERSON	<b>Presheen Nair</b>	TELEPHONE NUMBER	<b>017 615 2437</b>
TELEPHONE NUMBER	<b>017 615 2437</b>	FACSIMILE NUMBER	<b>086 665 4966</b>
FACSIMILE NUMBER	<b>086 665 4966</b>	E-MAIL ADDRESS	<b>nairp@eskom.co.za</b>
E-MAIL ADDRESS	<b>nairp@eskom.co.za</b>		

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1.</b>	<b>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.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE	
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.	
<b>2.</b>	<b>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 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.	
<b>3.</b>	<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b></p>		

**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

1.2

- a) The value of this bid is estimated to **exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;

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
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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.

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## 2. DEFINITIONS

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

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### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

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

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

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

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

### 5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: = .....(maximum of 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		
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		

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Any QSE		
---------	--	--

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

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

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

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

- 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

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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.

<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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*(Note to tenderer: if there are deviations to the terms and conditions of the NEC document, use this form to detail the deviations. Prepare a separate document attached to this schedule if the proposed changes are extensive. No other deviations will be considered other than this schedule. If you do not have deviations, please indicate that the form is not applicable and sign on the form).*

**Do you have any deviations to the terms and conditions of the NEC3 Term Service Contract?**

Yes	No
-----	----

If there are deviations, complete the table below.

Contract Clause No.	Subject of the proposed change	Proposed change	Rationale for the proposed change

**The form must be signed even if there are no deviations to the terms and conditions of the NEC.**

Signed

Date

Name

Position

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## Confirmation of Employment Equity

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)

Are you currently employing more than 50 employees?  
(*indicate with a tick*)

Yes	No
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If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed

Date

Name

Position

*tenderer*

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