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ESKOM HOLDINGS SOC LTD


INVITATION TO TENDER/ REQUEST FOR PROPOSAL (RFP)

FOR

**Kendal Power Station Continuous Ash Disposal Facility (ADF) Project Scope of Work
for two (x2) Environmental Control Officers (ECOs)**

Tender number	MPKEN10282PS
Issue date	02 June 2022
Closing date and time	30 June 2022
Tender validity period	12 weeks after tender closing date
Clarification meeting	Compulsory site clarification meeting arranged as follows: Date: 09 June 2022 Time: 10:00 am Venue: MS Teams Meeting Note: Please requests for link must be sent to MbeyaY@eskom.co.za
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Smuts Avenue Witbank / Emalahleni 1035

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Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the **Kendal Power Station Continuous Ash Disposal Facility (ADF) Project Scope of Work for two (x2) Environmental Control Officers (ECOs)**.

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

- Free of charge

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

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


Yours faithfully



Simon Ndlakuse
Procurement Manager (Acting)
Procurement and Supply Chain Management (P&SCM)

Date: 02 June 2022

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Contents of Invitation to Tender/Enquiry documents

1. Invitation to tender

- 1.1. Standard Conditions of Tender (refer to www.eskom.co.za for this document that suppliers are required to download and read);
- 1.2. Tender Data;
- 1.3. Commercial Tender returnables;
- 1.4. Functionality criteria for technical scoring and tender returnables; and
- 1.5. Contractual Requirements.

2. Evaluation process and criteria

- 2.1. Basic Compliance;
- 2.2. Pre-qualification criteria in terms of Regulation 4 of the 2017 PPPFA Regulations;
- 2.3. Mandatory tender returnables;
- 2.4. Functionality;
- 2.5. Local content and production (not applicable);
- 2.6. Price and preference scoring; and
- 2.7. Contractual requirements (SHEQ, Planning, financial analysis, SDL&I undertaking).


3. Conditions of contract (see contract conditions attached)

4. Works Information (see Contract and applicable bond/guarantees attached)

5. Pricing data (See Contract attached)

6. Appendices

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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	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C - Local Content Declaration - Summary Schedule Annexure D - Imported Content Declaration – Supporting Schedule to Annexure C Annexure E - Local Content Declaration - Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	N N N N
6.7	SBD 1 - Invitation to Bid must be filled out by all Tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1 - Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	Annexure I	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/Request for Proposal**; 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: Yolisa Mbeya Tel: 017 615 2676 E-mail: MbeyaY@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MPKEN10282PS</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: MPKEN10282PS</p> <p>1. An open Invitation to tender.</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
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 of proposed subcontractors or suppliers for any part of the Contract including related services; • 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

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Clause Number from Standard Conditions of Tender	Tender Data
	<ul style="list-style-type: none"> ○ (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; and • A Tenderer that sub-contracts 100% of the Scope of Work. <p>Ineligible tenders will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is:</p> <p>Date: 30 June 2022 Time: 10:00am</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:</p> <p>THE TENDER OFFICE</p> <p>Eskom Smuts Avenue Witbank / Emalahleni</p>
2.9 Copy of original tender	<p>The Tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</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 12 weeks .
2.16 Site/clarification meetings	<p>Date: 09 June 2022 Time: 10:00 am Venue: Mogolo Boardroom, Gx Coal Projects, Kendal Power Station</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 05 working days before the deadline for tender submission.

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Clause Number from Standard Conditions of Tender	Tender Data
2.23 Alternative tenders	Alternative tenders are <i>not allowed</i> .
2.25 Conditions of contract	The conditions of contract will be the NEC 3 PSC Main Option G – Term Contract
2.31 Provision of security for performance	N/A
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 <i>will not be read out</i> .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a Tenderer; • Submit one (1) hard copy of the original tender to Eskom; • Submit a complete original tender with commercial, financial and technical information; • Submission of the mandatory commercial tender returnables as at stipulated deadlines; and • Central Supplier Database (CSD) number (MAA.....).
3.10 Mandatory tender returnables	<p>A Tenderer that does not submit mandatory documents/information as 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.</p> <p>Refer to the 1.3 Tender Returnables and 1.4 Functionality criteria for technical scoring and mandatory tender returnables for the list of documents to be provided by tender closing date.</p>
3.11 Pre-qualification criteria	<p>Only EME/QSE level 1 entities can tender for this enquiry.</p> <p>Mandatory Requirements for Pre-Qualification</p> <ul style="list-style-type: none"> • Certified copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or • Certified copy of B-BBEE Sworn Affidavit for either EME or QSE (See notes to determine the validity of Sworn Affidavits); or • Certified copy of B-BBEE Certificate issued by CIPC for EMEs' only

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Clause Number from Standard Conditions of Tender	Tender Data
	<ul style="list-style-type: none"> Joint Ventures must submit a combined B-BBEE Certificate, separate Certificates are not acceptable and will result in disqualification. <p>Notes for Sworn Affidavits</p> <p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ul style="list-style-type: none"> Name/s of deponent as they appear in the identity document and the identity number. Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. (Underline or circle whichever is applicable). Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. (No blank spaces to be left). Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. (Underline the applicable option). Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. (Financial year end to be stipulated by day/month/year). B-BBEE Status level. An enterprise can only have one status level. Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath).</u> 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.

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Clause Number from Standard Conditions of Tender	Tender Data
3.12 Designated materials and thresholds	Designated materials and thresholds <i>are not applicable.</i>
3.13 Functionality requirements	<p>Functionality requirements <i>are applicable.</i></p> <p>Please refer to the detailed requirements for functionality evaluation in section 1.4 Functionality criteria for technical scoring and tender returnables.</p> <p>The evaluation scores will be weighted as follows according to disciplines:</p> <p>The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> • Inclusive of VAT; • Making the specified correction for arithmetical errors • Excluding contingencies in any Time based Contract ; • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted; • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable; • Unconditional discounts must be taken into account for evaluation purposes; and • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected. <p>Prices will be scored out of 80 points.</p>
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA.
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"> • 80/20 for estimated values below R50M inclusive of VAT). <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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Clause Number from Standard Conditions of Tender	Tender Data
3.19 Objective Criteria	Objective criteria <i>are not applicable.</i>
Contractual Requirements	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> • SHEQ requirements; • SDL& I undertaking; and • Financial analysis. <p>Please Note:</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 negotiations.</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>
CIDB Requirements	CIDB Requirement is <i>not applicable</i>


Please note:

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process; 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	✓	
Pre-qualification criteria		N/A	
Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board on 23 August 2013 (Board Notice 180 of 2013, Government Gazette 36760) ("the CIDB Skills Standard") to the Contractor.	Not applicable		
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure F1-F2 Local Content	Not applicable		
Local Content Declarations Annex D and E	Not 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		✓

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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
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)		✓
	* A trust, consortium or joint venture must submit a consolidated/unconsolidated B-BBEE Status Level Verification Certificate depending on whether they are an incorporated/ unincorporated entity respectively.	✓	
	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.		✓
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa, but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile /CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document however, no proof of tax compliance is required.		✓
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).		✓


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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
CIDB	Not applicable.		
Shareholding	<p>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).</p> <ul style="list-style-type: none"> • Tenderers shall submit copies of CIPRO/CIPC registration documents; • Copies of Identity Document(s) of Company Shareholders; and • copies of Shareholders certificate. 	✓	
NEC Documentation	Completed C1.2 Contract Data - Part two - Data provided by the <i>Contractor</i> .	✓	
Pricing Schedule	Refer to C2.1 Pricing assumptions Option A	✓	
Shipping costs	Not applicable		
Customs Questionnaire	Not applicable		

1.4 **FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING**

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Tender submissions will be evaluated against functional criteria (mentioned below) as per the rating of each criterion. Weightings will be applied to calculate total functional score. The qualitative criteria is as follows:

- Activity Schedule – 15%
- Understanding of the SOW and Methodology - 35%
- Resource Experience (CVs and Qualifications) – 35%
- Company Experience (List of similar projects done) – 15%

Tenders below minimum threshold weighting will be eliminated thus not qualify for further evaluation. Threshold is 70%.

1.5 CONTRACTUAL REQUIREMENTS

1.5.1 Safety requirements

- Acknowledgment Form.
- Letter of Good Standing.
- Valid medical on Contract Award

1.5.2 Environmental requirements

Submission of the monthly report before the 15th of each month.

1.5.3 Quality Requirements

The *Consultant* shall submit objective evidence of a developed and implemented QMS that complies with Supplier Quality Requirement Specification 240-105658000, ISO 9001 or any applicable standard of quality management system (the latest applicable revision). The following documents (approved copies) shall be submitted:

Quality Management System Requirements ISO 9001


- Quality Method statement based on ISO 9001.
- Quality Policy Approved by top management.
- Quality Objectives Approved by top management.
- Documented information for defined roles, responsibilities, and authorities.
- Documented information for Control of Externally Provided Processes, Products and Services.
- Form A completed and signed.
- Proof of registration with professional body.

1.5.4 Finance Requirements

A financial evaluation will be conducted by the Financial Department. The prices used for purposes of evaluations are prices where arithmetical errors have already been corrected, Contract Price Adjustment (CPA) is applied, and unconditional discounts are taken into account.

Financial Analysis

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Where applicable a financial evaluation will be conducted by Eskom to further evaluate the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract including a financial analysis.

The analysis of a Supplier's financial statements will be not a criterion for the purposes of the scoring and awarding points, or the determination of competitive ranking. However, the analysis will be conducted as part of a due diligence, for the purposes of establishing a Supplier's viability and ability to meet all of its contractual obligations for the duration of the contract.

The returnables are as follows:

- Auditors/independent reviewers / accounting officer's / compiler's report;
- A signed director's / member's report;
- Annual financial statements (Past 2 years);
- ITA 34C Income tax assessment, only used if supplier is not audited;
- Public Interest Score (PIS) – used to determine whether the financial statements are required to be audited / independently reviewed or neither; and
- Approved financial statements, signed auditors /independent reviewers / accounting officer's report must be valid and not outdated, received within 18 months after year end (S (30) of Companies Act.

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____


Contact details of contact person:

Tel (landline): _____

Cell phone: _____

e-mail address: _____

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ANNEXURE B

TENDERER'S PARTICULARS

The Tenderer must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):	
Individual Tenderer	
Unincorporated Joint venture (registration number for each member of the JV)	
Incorporated JV	
Other	


Please complete the following:

Name of lead partner OR 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)	
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)	

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	


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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom._____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury_____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact Henriette Ronquest, RonqueH@eskom.co.za, 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).

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YES		NO	
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8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

8.1 Confirm if you intend sub-contracting

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

8.2 What percentage will you be sub-contracting? _____%

8.3 To whom do you intend sub-contracting? _____

8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. _____

8.4 Please confirm B-BBEE level of said sub-contractor _____

8.5 Which designated group does the sub-contractor belong to:-

- 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
- Cooperatives which are 51% owned by Black people
- 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 EME's or QSE's 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	
-----	--	----	--

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A. Single Tenderers

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

Signature: _____

Designation: _____

Date: _____


B. Joint Ventures

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

We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract 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 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/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

1. If any employee/director/member/shareholder/owner of Tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment, and attach proof to this declaration. _____
2. Do the Tenderer/s and other Tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____


2. DECLARATION OF FAIR TENDERING PRACTICES

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

A **[tender/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.

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


Item	Question	Yes/No	No
1.1	Is the <i>Tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>Tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.2.1	Provide details.		
1.3	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		

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:	

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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/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 F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$


Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

N/A

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

- 3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za


Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

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LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO. MPKEN10282PS

ISSUED BY: Eskom Holdings SOC Limited:


.....
NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 **Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

Annexure F2- _Local content Declaration-Summary Schedule (Annex C)




Annexure F3 - Imports Declaration-Supporting schedule to Annex C (Annex D)



Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (Annex E)



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ANNEXURE G

SBD 1

PART A INVITATION TO BID


YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ESKOM HOLDINGS SOC LIMITED					
BID NUMBER:	MPKEN10282PS	CLOSING DATE:	30 June 2022	CLOSING TIME:	10:00
DESCRIPTION	Kendal Power Station Continuous Ash Disposal Facility (ADF) Project Scope of Work for two (x2) Environmental Control Officers (ECOs)				
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 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:				
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<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			

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>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.</p> <p>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.</p> <p>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.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>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.</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 does not exceeds R50 000 000 (all applicable taxes included); and
- a) The value of this bid is estimated to does not **exceeds** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable.

1.2 Points for this bid shall be awarded for:

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


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

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

1.4 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.

1.5 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:

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = 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:

5. BBEE Status level Contributor	Number of points (80:20)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant Contributor	0

6. BID DECLARATION

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

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

7.1 B-BBEE Status Level of Contributor: . =(maximum of 20)

(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.

8. SUB-CONTRACTING

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

(***Tick applicable box***)

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

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE


(***Tick applicable box***)

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

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

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

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9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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


[TICK APPLICABLE BOX]

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

9.8 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 –


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- (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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APPENDIX I

TENDERER'S SDL&I UNDERTAKING

SDL&I UNDERTAKING

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

The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award. Eskom reserves the right to negotiate with the tenderer on these requirements. The outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SD&L undertaking will also become a contractual obligation.

Local Procurement Content.

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

Local Procurement	Eskom Targets	Tenderers Proposal
	100%	

BBEE LEVEL

The tenderer shall maintain or improve the B-BBEE level throughout the duration of the contract period.

Job Creation

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

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

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

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