

	Invitation to Tender/ Request for Proposal (RFP)	Template Identifier	240-43921804	Rev	6
		Document Identifier	240-114238630	Rev	10
		Effective Date	03 March 2020		
		Review Date	March 2023		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


**FOR THE UPGRADE OF THE NELSONSKOP SEWAGE TREATMENT PLANT AT
MATIMBA POWER STATION.**

Tender number/ RFP number/	MAT00474-R
Issue date	03 June 2022
Closing date and time	30 June 2022 at 14H00
Tender validity period	182 days from the closing date and time
Clarification meeting	Compulsory Clarification meeting will be held on: Date: 09 June 2022 at 14:00 Venue: Matimba Lapa Matimba Power Station Nelson Mandela Avenue Lephalale
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Generation Division Matimba Power Station Main Security Gate, The Tender Box Nelson Mandela Avenue Lephalale 0555

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Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for ***THE UPGRADE OF THE NELSONSKOP SEWAGE TREATMENT PLANT AT MATIMBA POWER STATION.***

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 (to be accessed via www.eskom.co.za).

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

Yours faithfully



Mrs. Fulufhelo Munyai

Eskom Matimba Power Station - Procurement Manager

Date: 2022.06.03

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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	Y
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	Y
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
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts] .	Procurement Practitioner to download from Hyperwave	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	To be obtained from SDL&I)	

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- 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.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The <i>Employer</i> is Eskom Holdings SOC Ltd The <i>Eskom Representative</i> is: Name: Pumelele Vapi Tel: :+27 14 763 8799 E-mail: VapiP@eskom.co.za
1.3 Enquiry documents	The Invitation to tender /RFP number is : MAT00474-R See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender/RFP is: 1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	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. Tenderers are deemed ineligible to submit a [<i>tender/proposal</i>] if <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 [<i>tender/proposal</i>] either individually or as a partner in a joint venture (JV) or consortium • Tenders/proposals submitted by a JV or consortium where the JV/consortium agreement or letter of intent to form a JV/consortium 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

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	<p>may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if :</p> <ul style="list-style-type: none"> ○ (a) they have a controlling partner/majority shareholder in common; or ○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <ul style="list-style-type: none"> • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is : Date 30 June 2022 Time 14:00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Generation Division Matimba Power Station Main Security Gate, The Tender Box Nelson Mandela Avenue Lephalale 0555</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	<p>The tender validity period is 182 days from the closing date and time</p>
2.16 Site/clarification meetings	<p>A compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 09 June 2022 Time: 14:00 Venue: Matimba Lapa</p>

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	<p>Matimba Power Station Nelson Mandela Avenue Lephalale</p> <p><i>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee and the company they represent.</i></p> <p>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.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission, failing which, such clarification requests will not be entertained.</p> <p>Clarification will be posted on the Addendum folder in the tender bulletin. Tenderers to check Addendum folder regularly for updates</p>
2.23 Alternative tenders	Alternative tenders are not allowed.
2.25 Conditions of contract	The conditions of contract will be the NEC3 ECC
2.31 Provision of security for performance	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
3.4 Opening of tenders	N/A
3.5 Prices to be read out	N/A
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender/ RFP are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) original tender and 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. • Central Supplier Database (CSD) report • Attendance of compulsory clarification meeting (<i>where applicable</i>)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required 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	<p>The following mandatory pre-qualification criteria are applicable herein:-</p> <ol style="list-style-type: none"> 1. Compliance with 30% sub-contracting PPPFA rules as per the following SD&L requirements

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	<ul style="list-style-type: none"> a. Subcontracting agreement (signed by both) b. Sub-contractor CSD report c. Subcontractor company registration documents (CK and B-BBEE certificate or sworn affidavit). d. Sub-contracting agreements can only be concluded with one of the following entities; <ul style="list-style-type: none"> i. an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships; e. The main contractor and sub-contractor company B-BBEE certificate must comply to the following standard <ul style="list-style-type: none"> i. EME'S must submit valid CIPC generated BBBEE certificate or sworn affidavit (using DTI template) attested / signed by a Commissioner of Oaths; ii. QSE's must submit valid sworn affidavit (on DTI template) attested / signed by a Commissioner of Oaths OR B-BBEE certificate from SANAS approved agency iii. LME's must submit valid B-BBEE certificate from SANAS approved agency iv. Joint Ventures can only submit a Consolidated and Valid B-BBEE Certificate issued by a SANAS Accredited Verification Agency or Certified Copy thereof v. Affidavit must be completed in full (i.e. Full financial year end dates (day, month, year), ownership percentages and contribution level and signed off). vi. Deponent and Commissioners date must be the same vii. Affidavits on Accountants/Auditors letterheads will not be accepted viii. Affidavits signed by Accountants/Auditors will not be accepted. ix. Only Sworn Affidavit for EMEs coming from DTI/CIPC and B- BBEE Certificates (SANAS Accredited) will be accepted. x. Sworn Affidavits attested / signed by a Commissioner of Oaths with true copy of the original stamp will not be accepted xi. B-BBEE certificate from SANAS accredited rating agency, CIPC generated BBBEE certificates or Sworn Affidavit from National Treasury / DTI certified by commissioner of oath will be used to verify supplier's status
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	<p>2. Technical Gatekeeper:</p> <p>a. Chemical/mechanical Engineering:</p> <p>1. Proof that the Alternative treatment plant/system can produce the required effluent quality as per scope of works. Supplier to provided 3 months analysis sheets of the effluent quality that a similar plant produced, the analysis sheets provided should show the company or owner of the plant and dates.</p> <p>2. Proof of PrEng Chemical/mechanical Engineer (ECSA Registration No. and Certificate)</p> <p>b. Civil Engineering:</p> <p>i. It is estimated that tenderers must have a CIDB contractor designation of Level 7 CE or higher</p> <p>ii. Proof of PrEng Civil & Structural Engineer (ECSA Registration No. and Certificate)</p> <p>c. Electrical Engineering:</p> <p>i. Proof of PrEng Electrical Engineer (ECSA Registration No. and Certificate)</p> <p>If the relevant documentation/information as stipulated in the enquiry is not submitted; said tenders will be disqualified.</p>																		
3.12 Designated materials and thresholds	<ul style="list-style-type: none">• Pumps, Medium Voltage (MV) Motor and Associated Accessories 70%.• Valves Products and Actuators are designated with a minimum of 70% Local Content.																		
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <table><tr><th>Criteria</th><th>Min. Threshold</th><th>Weight</th></tr><tr><td>Chemical Engineering</td><td>75%</td><td>35%</td></tr><tr><td>Civil Engineering</td><td>80%</td><td>35%</td></tr><tr><td>Electrical Engineering</td><td>80%</td><td>15%</td></tr><tr><td>C&I Engineering</td><td>75%</td><td>15%</td></tr><tr><td>Total</td><td></td><td>100%</td></tr></table> <ul style="list-style-type: none">• All bids must achieve the minimum threshold in all disciplines to be eligible for further evaluation• The equation below is used to calculate the percentage achieved by the tender for every technical aspect to be evaluated as per the evaluation criteria: $Evaluation\ Score = \frac{Actual\ score\ obtained}{5} \times Weigh$	Criteria	Min. Threshold	Weight	Chemical Engineering	75%	35%	Civil Engineering	80%	35%	Electrical Engineering	80%	15%	C&I Engineering	75%	15%	Total		100%
Criteria	Min. Threshold	Weight																	
Chemical Engineering	75%	35%																	
Civil Engineering	80%	35%																	
Electrical Engineering	80%	15%																	
C&I Engineering	75%	15%																	
Total		100%																	

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- technical evaluation Criteria is below:

Process engineering (chemical and mechanical: Minimum Acceptable score 75%)

#	Technical Aspect	Criteria	Score	Weight
1	Maturity of the Technology selected for alternative treatment during construction. (please provide site name and contact details and capacity of the plant)		0	5
		The technology is not very mature and less than 3 sites use it	3	
		The technology is matured and proven, 5 or more sites have been provided that use the technology.	5	
2	Construction and Commissioning duration of the Proposed technology. (The tender should submit a duration of each activity from installation to commissioning. Basis the duration for shall be stipulated)	Construction, installation and commissioning will take six months or less.	5	10
		Construction, installation and commissioning will take more than 6 months but less than 13 months	3	
		Construction, installation and commissioning will take more than 13 months but less than 24 months	1	
		Construction, installation and commissioning will take more than 24 months	0	
3	Detailed Process Description proposal of the Selected plant. The supplier to submit a simulation report in pdf format that show the input and output flows and qualities Technology (The proposal should include all applicable stages from pre-treatment to the final stages of treatment. The mass balance of each process).	The proposal is very detailed and cover the entire treatment system. The proposal includes the layout of the treatment system with dimensions of each processing unit, mass balance across each unit and stream qualities.	5	35
		The proposal is vague, the proposal doesn't cover the entire treatment process, layout of the proposed technology is not provided.	0	
4	Experience of the Pr Eng Chemical/Mechanical (Detailed curriculum Vitae and ECSA registration Certificate)	Engineer has 5 years or Engineer has more than 8 years work experience in water and wastewater treatment.	5	10
		Engineer has 5 or more years experience but less than 8 years in water or waste treatment	3	
		Engineer has 3 or more years experience but less than 5 years in water or waste treatment.	1	
5	Experience of the Tenderer in successfully designing the proposed Technology (if Design will be subcontracted a letter of intent or agreement between the two parties must be submitted).	The tenderer has designed the proposed Technology 3 more times and proof that clients accepted the design.	5	30
		The tenderer has design the proposed Technology 2 more times and proof that clients accepted the design.	3	
		The tenderer has design the proposed Technology Once and proof that client accepted the design.	2	
		The tenderer has never design the proposed Technology	1	
6	Has the tenderer submitted the Technical Data Sheets (TDS) of all	Tenderer submits the TDSs and material certificates for more than 90% of the material that will be	5	10

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the equipment required to complete the mechanical and process work.	used, and the equipment selected can achieve the desired outcome		
	Tenderer submits the TDSs and material certificates for between 75 and 90% of the material that will be used and the equipment selected can achieve the desired outcome	4	
	Tenderer submits the TDSs and material certificates for between 50 and 75% of the material that will be used and the equipment selected can achieve the desired outcome	3	
	Tenderer submits the TDSs and material certificates for between 25 and 50% of the material that will be used and the equipment selected can achieve the desired outcome	2	
	Tenderer submits the TDSs and material certificates for less than 25% of the material that will be used.	1	
	No TDSs or material certificates provided	0	

Civil Engineering – Minimum Acceptable score 80%

Item	Technical Aspect	Criteria	Score	Weight
1	Has this tenderer provided a list of references of similar civil projects (Sewage treatment plant or liquid containing structures structural remedial works) done in the past with completion certificates and contact details?	5 or more references with contact details and completion certificates	5	15
		4 references with contact details and completion certificates	4	
		3 references with contact details and completion certificates	3	
		2 references with contact details and completion certificates	2	
		1 reference with contact details and completion certificates	1	
		No references	0	
2	Has this tenderer provided a programme for the civil works?	The tenderer has provided a program that is in line with the required start and end date and has covered all of the civil activities in the scope. The program further gives a breakdown on how much time has been allocated for each activity.	5	5
		The tenderer has provided a program that is in line with the required start and end date, but the program is only high level and does not cover the entire civil scope.	3	
		The tenderer has provided a program, but the start and end date is not in line with what was stipulated by the Employer	1	
		No program has been submitted	0	
3	Has the tenderer provided a QCP as per Works Information? Individual	Tenderer submits a Quality Control Plan with hold and witness points for all of the civil activities on the scope	5	15

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	<p>QCPs need to be submitted for all of the following activities:</p> <ul style="list-style-type: none"> • Concrete substrate preparation prior to remedial action. • Preparation of existing reinforcement prior to remedial action. • Concrete repair by hand applied mortar. • Concrete repair by recasting of concrete elements. • Concrete repair by concrete/mortar spray. • Concrete crack repair. • Application of concrete surface protection. • Remedial action for concrete expansion joints. • Surface preparation of steel for corrosion protection. • Corrosion protection of steel surfaces. 	<p>Tenderer submits a Quality Control Plan with hold and witness points for some of the civil activities on the scope but not all of them</p>	3		
		<p>Tenderer submits a Quality Control Plan with hold and witness points, but the QCP is not applicable to the civil scope and refers to other work or other work done in the past</p>	1		
		<p>No civil QCP provided</p>	0		
4	<p>Has the tenderer provided an Organogram of the civil project team he/she intends on using? As a minimum the following personnel need to be included in the organogram:</p> <ul style="list-style-type: none"> • Pr registered Civil & Structural Engineer. • SACPCMP Construction Manager • Repair/coating manufacturer representative • Applicators. • Civil artisans. • General laborers 	<p>Civil project team organogram submitted with all the positions required to complete the work. Every position on the organogram has the person's name who will be appointed in that position and the names on the organogram correspond with the CVs received</p>	5	5	
		<p>Civil project team organogram submitted, but the organogram does not include all the team members required to complete the work or not every position on the organogram has the person's name appointed in that position or the persons indicated on the organogram do not correlate with the CVs received</p>	3		
		<p>General company organogram submitted (with names for the person appointed in each position). The organogram is not specific to the civil project team who will be working on site</p>	1		
		<p>No organogram submitted</p>	0		
5	<p>CVs of civil project team members with qualifications & Certification. As a minimum the following CVs need to be submitted:</p> <ul style="list-style-type: none"> • Pr registered Civil & Structural Engineer. • Repair/coating manufacturer representative • Applicators. • Civil artisans. • General laborers. 	<p>More than 75% of the civil CVs submitted are applicable to the project scope, have certification attached and have valid references</p>	5	10	
		<p>Between 50 and 75% of the civil CVs submitted are applicable to the project scope, have certification attached and have valid references</p>	3		
		<p>More than 50% of the civil CVs submitted are either not applicable to the project scope, do not have certification attached or do not have references</p>	1		
		<p>No CV</p>	0		

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6	CV of SACPCMP Construction Manager. No candidates will be accepted.	CV of SACPCMP Construction Manager with valid certification and more than 5 years of experience as a registered Construction Manager.	5	5	
		CV of SACPCMP Construction Manager with valid certification and between 3-5 years of experience as registered Construction Manager.	3		
		CV of SACPCMP Construction Manager with valid certification and between 1-3 years of experience as registered Construction Manager.	1		
		No CV	0		
7	<p>Has a method statement of how the civil work will be completed been submitted? As a minimum a detailed method statement needs to be submitted for all of the following activities.</p> <ul style="list-style-type: none"> • Concrete substrate preparation prior to remedial action. • Preparation of existing reinforcement prior to remedial action. • Concrete repair by hand applied mortar. • Concrete repair by recasting of concrete elements. • Concrete repair by concrete/mortar spray. • Concrete crack repair. • Application of concrete surface protection. • Remedial action for concrete expansion joints. • Surface preparation of steel for corrosion protection. • Corrosion protection of steel surfaces. • Laboratory refurbishment 	The method statement submitted explains how all of the civil activities on the scope will be executed	5	15	
		The method statement submitted explains how some of the civil activities on the scope will be executed but not all of them	3		
		The method statement provided is not applicable to the scope or refers to other work or work done in the past	1		
		No method statement submitted	0		
8	<p>Has the tenderer submitted the TDSs of all material required to complete the civil work? Typical TDSs to be submitted:</p> <ul style="list-style-type: none"> • Sand blasting medium • Steel reinforcement • Concrete bonding agents/primers • Corrosion inhibitors • Structural repair concrete • Structural repair mortar • Spray mortar • Crack injection resins 	Tenderer submits the TDSs and material certificates for more than 90% of the material that will be used	5	15	
		Tenderer submits the TDSs and material certificates for between 75 and 90% of the material that will be used	4		
		Tenderer submits the TDSs and material certificates for between 50 and 75% of the material that will be used	3		
		Tenderer submits the TDSs and material certificates for between 25 and 50% of the material that will be used	2		

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	<ul style="list-style-type: none"> Sealants Waterproofing membranes Steel primers Paints 	Tendered submits the TDSs and material certificates for less than 25% of the material that will be used.	1		
		No TDSs or material certificates provided	0		
9	The Contractor together with the product manufacturer provides a 10 year guarantee on the protective concrete coatings used.	> 10 years	5	10	
		8 - 10 years	4		
		5 - 8 years	3		
		3 - 5 years	2		
		1 - 3 years	1		
		No guarantee submitted	0		
10	Provide an asbestos waste handling and management accreditation or a letter of intent to have an agreement with an approved company for all asbestos related work.	Proof of company accreditation provided or alternatively a letter of intent to subcontract all asbestos work to an accredited company. If letter of intent is submitted the subcontracting company's accreditation must be submitted together with the letter.	5	5	
		No accreditation or letter of intent submitted.	0		

Electrical Engineering – Minimum Acceptable score 80%

Item	Technical Aspect	Criteria	Score	Weight
1	Company Power Plant Experience (Only Copy of Previous PO's or Contracts will be accepted as evidence)	> five work completion certificates not older than three years with references	5	30
2	3 X Completed COC from previous work. COC certificates must not be older than three years.	All certificates valid and submitted	5	20
3	Experience of Key Personal (CV) All CV's must be submitted to be considered for evaluation and qualifications.			45
3.1	Supervisor x1 (Permanent on site) CV' minimum requirement - Qualification: N6 Technical Electrical plus trade test, additional supervisory certificate will be advantage - Experience: At least seven (7) years experience as a Supervisor - Type of experience: Power plant related experience - References: Contactable references at least one	N6 Technical Electrical Trade Test with additional supervisory certificate and 7 years' experience as a supervisor	5	20
		No CV	0	
3.2	Installation electricians X 2 CV' minimum requirement - Qualification: N3 Electrical plus trade test and to be able to issue Certificates of compliance - Experience: Five (5) years for N3 Electrical, - Type of experience: Power plant related experience, - References: Contactable references at least one	N3 Electrical plus trade test with 5 years' experience	5	15
		No CV	0	
3.3	Artisans Electrical X 1 (Permanent on site) CV' minimum requirement	N3 Electrical plus trade test with 5 years' experience.	5	10

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	<ul style="list-style-type: none"> - Qualification: N3 Electrical plus trade test - Experience: Five (5) years for N3, or (3) Years for N6 plus trade test - Type of experience: Power plant related experience - References: Contactable references at least one 	No CV	0	
4	Quality Control Plan/Procedure as per scope of work	QCP Submitted	5	5
		QCP Not submitted	0	

C&I Engineering – Minimum Acceptable score 75%

Item	Technical Aspect	Criteria	Score	Weight
1	Has this company provided a list of references for control and instrumentation related projects(HMI & Network, PLC engineering, installations, wiring and field instruments etc) done in the past with evidence and contact details?	5 or more reference list of C&I related projects, including customer brief scope and contact details. Letter of Agreement and Track Record of applicable parties. 4 reference list of C&I related projects including customer brief scope and contact details. Letter of Agreement and Track Record of applicable parties. 3 reference list of C&I related projects, including customer brief scope and contact details. Letter of Agreement and Track Record of applicable parties.	3 2 1	30
2	Has this company provided a minimum of three (3) mechanician CVs with certified copies of qualifications including C&I Trade Test certificate OR National Diploma in Process instrumentation (Electrical engineering Light current) with 2 years experience in C&I field or equivalent qualification with Contact references	Company submitted a minimum of 3 mechanician CV's with certified qualifications copies and > 2 years experience Company submitted a minimum of 3 mechanician CV's with certified qualifications copies and < 2 years experience	2 1	15
3	Has the company submitted the CV of the project team's C&I Specialist (Pr ECSA registered) with qualifications?	Specialist has a degree in (Electrical engineering) and Pr ECSA and (>8 years' experience) OR National Diploma in Electrical and Pr ECSA (> 10 years experience) OR equivalent in process field instrumentation and Control. Specialist has a degree in (Electrical engineering light current) and Pr ECSA and (<8 years' experience) OR National Diploma in Electrical light current and Pr ECSA (< 10 years experience) in process instrumentation.	2 1	30
4	Has the company provided the C&I Senior Mechanician) (Minimum CV X1) –Provide certified qualification copies (C&I Trade	Company submitted the required certifeied qualification copies and CV with > 5 years experience	3	25

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	Test certificate or National Diploma in process Instrumentation (Electrical engineering light current), or relevant equivalent qualification and provide CV's with 5 years C&I field experience together with contactable references	Company submitted the required certified qualification copies and CV with 4 years experience	2		
		Company submitted the required certified qualification copies and CV with 3 years experience	1		
3.15 Evaluation of price		<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none">• exclusive of VAT• Making the specified correction for arithmetical errors• Excluding contingencies in any bill of quantities or activity schedule.• 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;• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 80 points</p>			
3.17 Evaluation of B-BBEE		<p>B-BBEE status will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will 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">• 80/20 (for estimated values above R30 000 and up to 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>			
3.19 Objective Criteria (if applicable)		Objective criteria not applicable.			
Contractual Requirements (if applicable)		<p>The following Contractual obligations will apply:</p> <ul style="list-style-type: none">• CIDB grading of 6EP or above.<ul style="list-style-type: none">○ Tender must supply proof that their company or subcontractor for electrical works has CIDB grading of 6EP or above.			

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	<ul style="list-style-type: none"> • Quality requirements <ul style="list-style-type: none"> ○ Procedure for control of non-conforming product/service ○ Corrective and Preventive Actions Procedure ○ Process of preservation during handling; transportation and storage ○ Process for the evaluation; selection and re-evaluation of suppliers ○ Completed template for a typical contract quality plan • Health and Safety requirements <ul style="list-style-type: none"> ○ Annexure B SHE Acknowledge ○ Covid management plan ○ Health and Safety plan/OHS manual ○ H&S costing ○ Baseline SHE risk assessment ○ Valid letter of good standing or equivalent (LOGs) ○ Signed SHE policy ○ Proof of SHE competency and Organogram ○ Signed PPE Policy ○ Signed Drug and substance abuse policy ○ Signed Covid policy ○ Program to support Matimba Power Station's Safety objectives and targets. ○ Provide SHE performance statistics for the last three years (including records of Noncompliance); ○ Provide SHE Template for internal audits. • Environmental requirements <ul style="list-style-type: none"> ○ Environmental\ SHEQ Policy ○ Aspects and Impact register that is related to the scope of work; and ○ Environmental management plan that is related to the scope of work. ○ Waste management plan ○ Spillage management plan ○ Incident management plan
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	See technical gate-keeper in section 3.11 and contractual requirements section 3.19 above

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Please note:

1. 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.
2. 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.
3. A report containing a list of potential sub-contractors may be drawn by accessing the following link: www.csd.gov.za
4. “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;
5. In the event of any inconsistencies and/or contradictions in the information provided in this enquiry, prospective bidders must bring such to the attention of the Eskom representative for clarification. Should such inconsistencies and/or contradictions not be clarified, the information provided in this invitation to tender document takes precedence.

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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	Returnable mandatory for contract award and due prior to contract award
Basic Compliance and eligibility	All documents related to responsiveness of tender	✓	
Pre-qualification criteria	30% Sub-contracting requirements	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA(IG) for imported goods/services (if applicable)	N/A	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E(only applicable where designated materials are included)	✓	
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	✓	
Bidder's disclosure	SBD 4	✓	
Supplier Development & Localisation (SD&L) Undertaking (if applicable)			✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)	✓	
	B-BBEE certificate of the JV/consortium	✓	
	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	✓	

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	<p>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>		
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
CIDB (where applicable)	Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	✓	
Shareholding	Provide CIPC registration certificate clearly showing full names, ID Numbers, and percentages owned by individual shareholders for individual tenders as well as joint venture members/partners	✓	
NEC/FIDIC Documentation	Completed NEC/FIDIC pricing schedule and contract data.	✓	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)		✓	
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	<ul style="list-style-type: none"> Annexure B SHE Acknowledge Covid management plan Health and Safety plan/OHS manual H&S costing Baseline SHE risk assessment Valid letter of good standing or equivalent (LOGs) Signed SHE policy Proof of SHE competency and Organogram 	✓	

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	<ul style="list-style-type: none"> Signed PPE Policy Signed Drug and substance abuse policy Signed Covid policy Program to support Matimba Power Station's Safety objectives and targets. Provide SHE performance statistics for the last three years (including records of Noncompliance); Provide SHE Template for internal audits. 		
Quality	<ul style="list-style-type: none"> Procedure for control of non-conforming product/service Corrective and Preventive Actions Procedure Process of preservation during handling; transportation and storage Process for the evaluation; selection and re-evaluation of suppliers Completed template for a typical contract quality plan 	✓	
Environmental	<ul style="list-style-type: none"> Environmental\ SHEQ Policy Aspects and Impact register that is related to the scope of work; and Environmental management plan that is related to the scope of work. Waste management plan Spillage management plan Incident management plan 	✓	
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	Refer to Technical Evaluation criteria and the scope for details	✓	

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. -----

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

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

Or: Incorrect or incomplete for the following reasons: ☐

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/Request for Proposal No: _____

Name of company/JV: _____

Country of registration_____

Name of contact person:_____

Contact details of contact person:

Tel (landline) _____

Cell phone_____

e-mail address_____

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ANNEXURE B

TENDERER'S PARTICULARS

The *tenderer* must furnish the following particulars where applicable:

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.


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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.

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4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status_____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

- 8.1 Confirm if you intend sub-contracting

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

- 8.2 What percentage will you be sub-contracting? _____%
- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

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

- 8.5 If yes to 8.4, please provide CSD number._____
- 8.4 Please confirm B-BBEE level of said sub-contractor_____

- 8.5 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women
 - d. Black people with disabilities
 - e. Black people living in rural or underdeveloped areas or townships
 - f. Cooperatives which are 51% owned by Black people
 - g. Black people who are military veterans


If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

8.7 Have you attached proof of sub-contractor's belonging to designated group

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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


We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

I/We understand that any natural/legal person, including employees of the State and/or those related to an Eskom employee/director (as per the definition of “related” set out hereunder), may tender to Eskom. However, in view of possible allegations of favouritism (the practice of showing favour to, or giving preference to some person/group, to the detriment of, or at the expense of another that is entitled to equal treatment or an equal opportunity), should the resulting tender, or part thereof, be awarded to such natural/legal person, as described herein, it is required that the *tenderer/s* declare such interest/relationship where:-


- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and
- **a juristic person is “related” to another juristic person if :-**
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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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/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	<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>[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].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</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 (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
1.4	<p>Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		
1.5	<p><i>Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?</i></p>		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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:
The Cash Settlement or Cash Sellers Price
- Where applicable, these principles, must also apply for the CPA "cut-off" date.

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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	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI <ul style="list-style-type: none">• Final Manufactured Goods, Or• Intermediate Manufactured Goods OR• SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed.

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.

Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method.

PART 1: PAYMENT OF FOREIGN COMMITMENTS

Payment of Eskom's foreign commitment in foreign currency will be made either:

Payment Method 1A:

To a nominated bank account in a foreign country in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party);

Please note that the contracting party must be the direct importer of the goods

Applicable (Y / N)

Payment Method 1B;

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- Service related payments are excluded from this option;

Applicable(Y/N) or


Payment Method 2:

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom

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will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms. Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- This payment option is not applicable for the payment of services

Applicable (Y/N).....

An indemnity in writing confirming that the supplier will not buy forward cover is required where Payment Method 1 or 2 is contracted.

[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender closing date. If it is not approved before tender closing, Payment Method 1 will be the default.]

Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

Applicable (Y/N).....

Please note: Eskom will require substantiating proof of importation at the time of invoicing, if payment methods 1A, 1B and 2 are selected.

Where goods were previously imported into stock by the supplier, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases Eskom will not undertake any foreign exchange commitment or arrange forward cover.

PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank (www.resbank.co.za)

Please note that the tenderer is required to submit proof of the SARB rate/s used.

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

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	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS *(To be read in conjunction with Eskom CPA Index)*

Eskom requires a fixed portion (free of price adjustment) appropriate to the nature of the contract.

The methods/formulae proposed in this part shall clearly identify the base month, the period over which adjustment will apply, the elements of labour and materials and source of the indices/rates/prices to be used.

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority. It must be clearly and completely defined. Supplier in-house indices are not acceptable.

The value of overseas manufacture, labour and material costs (ex-works), inland transportation, expatriate labour, etc. included in the tender/contract price shall be subject to adjustment in accordance with the methods stated hereunder.

The base indices/prices/rates shall be those ruling for the month prior to the month of the closing of the enquiry.

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

Please submit your proposals for this section on a separate sheet of paper as an annexure.

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4.2 EXPATRIATE LABOUR METHOD

Please submit your proposals for this section on a separate sheet of paper as an annexure.

4.3 OTHER VALUES METHOD (e.g. Engineering fees, design fees, barging, inland transportation, etc.)

Please submit your proposals for this section on a separate sheet of paper as an annexure.

PART 5: ADJUSTMENT OF LOCAL MANUFACTURE/SUPPLY MATERIAL, TRANSPORT AND ERECTION COSTS

The contract price adjustment method for local manufacture or partly local manufacture from imported stock, equipment or plant cost, transport cost within the RSA and local erection/installation cost shall be in accordance with the attached Eskom CPA Principles

PART 6: GUIDELINES FOR CONTRACT PRICE ADJUSTMENT CLAIMS --- PART 2, 3 AND 4

- 1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
- 2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.
- 3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.
- 4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
- 5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
- 6 Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.
- 7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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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:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

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

(Tick applicable box)

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

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.

ISSUED BY: (Procurement Authority / Name of Institution):
.....

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:

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	

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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 (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON		CONTACT PERSON			
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS		E-MAIL 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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[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 THE QUESTIONNAIRE BELOW]
---	--	---	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES
☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES
☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐
 YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES
☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)


DATE:

.....

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ANNEXURE H

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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


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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE

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status level of contribution are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 or 90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0


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:

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		

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OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

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

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contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--	---

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