

 Invitation to Tender KZN028	Document Identifier	240-114238630	Rev	11
	Effective Date	18 February 2022		
	Review Date	February 2027		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

FOR

The Manufacture, Test and Supply Ex-works of estimated quantities of various Pole Top Split Meter Distribution Boxes on an 'as and when' required basis for a period of two (2) years for the Central East Cluster (KwaZulu Natal and Free State Operating Units).

Tender number	KZN028
Issue date	07 July 2022
Closing date and time	10 August 2022 at 10h00
Tender validity period	120 days from the closing date and time
Clarification meeting	<p>A non-compulsory <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 21 July 2022 Time: 10h00 Venue: MS Teams</p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details (email address) of each proposed attendee.</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>Commercial Building The Tender Office 25 Valley View Road New Germany 3620</p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the **Manufacture, Test and Supply Ex-works of estimated quantities of various Pole Top Split Meter Distribution Boxes** on an ‘as and when’ required basis for a period of two (2) years for the Central East Cluster (KwaZulu Natal and Free State Operating Units).

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 (attached).

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

Yours faithfully



Acting Procurement Manager (KZNOU 4564)

Thandi Xaba

Date: 07 July 2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure attached	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars /Shareholders information	Annexure B and B1	Y
6.3	*Integrity Declaration Form – includes Tenderers authority to submit a tender	Annexure C	Y
6.4	CPA Requirements For Local Goods And Services (South Africa)	Annexure D	Y
6.5	SBD 1 - Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure F	Y
6.6	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure G	Y
6.7	SBD 4 – Standard Bidding Document	Annexure H	Y
6.8	Supplier Declaration of Interest	Annexure I	Y
6.9	Reverse e-auction training acknowledgement form	Annexure J	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking	Annexure K	SDL & I Folder
6.11	Reverse e-auction process	E-auction information pack	(will be found in the Commercial folder on the Tender portals)

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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** then the tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data																		
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is: Name: <b>Thabile Sibiya</b> Tel: <b>+2731 710 5396</b> E-mail: <b><u>Sibiyath@eskom.co.za</u></b></p>																		
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>KZN028</b></p> <p>All relevant documentation for this Tender will be published on:</p> <p>1. Eskom’s Tender Bulletin</p> <p>2. National Treasury e-Tender Portal</p> <p>It is the responsibility of the tendering party to ensure all the required documentation is downloaded and completed.</p> <p>The tender is recommended to be submitted in the following format:</p> <table><tr><th>SECTION</th><th>ORIGINAL</th><th>COPY</th></tr><tr><td><b>SECTION 1</b> – Commercial and Financial Requirements</td><td><u>✓</u></td><td><u>✓</u></td></tr><tr><td><b>SECTION 2</b> – Technical Requirements</td><td><u>✓</u></td><td><u>✓</u></td></tr><tr><td><b>SECTION 3</b> – SHE Requirements</td><td><u>✓</u></td><td><u>✓</u></td></tr><tr><td><b>SECTION 4</b> – Quality Requirements</td><td><u>✓</u></td><td><u>✓</u></td></tr><tr><td><b>SECTION 5</b> – SD&amp;L</td><td><u>✓</u></td><td><u>✓</u></td></tr></table>	SECTION	ORIGINAL	COPY	<b>SECTION 1</b> – Commercial and Financial Requirements	<u>✓</u>	<u>✓</u>	<b>SECTION 2</b> – Technical Requirements	<u>✓</u>	<u>✓</u>	<b>SECTION 3</b> – SHE Requirements	<u>✓</u>	<u>✓</u>	<b>SECTION 4</b> – Quality Requirements	<u>✓</u>	<u>✓</u>	<b>SECTION 5</b> – SD&L	<u>✓</u>	<u>✓</u>
SECTION	ORIGINAL	COPY																	
<b>SECTION 1</b> – Commercial and Financial Requirements	<u>✓</u>	<u>✓</u>																	
<b>SECTION 2</b> – Technical Requirements	<u>✓</u>	<u>✓</u>																	
<b>SECTION 3</b> – SHE Requirements	<u>✓</u>	<u>✓</u>																	
<b>SECTION 4</b> – Quality Requirements	<u>✓</u>	<u>✓</u>																	
<b>SECTION 5</b> – SD&L	<u>✓</u>	<u>✓</u>																	
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <p>1. An open Invitation to tender</p>																		
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>																		
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p>																		

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Tenderers are deemed **ineligible** to submit a **tender** if

- Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.
- Tenderers submit more than one [tender] either individually or as a partner in a joint venture (JV) or consortium
- [Tenders] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.
- A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering] process, if :
  - (a) they have a controlling partner/majority shareholder in common; or
  - (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;
- Tenders signed by non - authorized persons
- Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)
- A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations
- Any tenderer that is restricted by National Treasury
- A tenderer that sub-contracts 100% Scope of Work.

**Ineligible tenderers will be disqualified.**

The deadline for **Tender** submission is:

Date **10 August 2022**  
Time **10h00**

**Late Tenders will not be accepted**

2.2 -2.5 Tender Closing

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	<p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE COMMERCIAL BUILDING Eskom 25 Valley View Road New Germany 3620</b></p> <p>If your document is too big to fit into the tender box, the documents can be submitted to an Eskom Tender Office Official at the Eskom Tender Office, during the following times:</p> <p>Monday – Friday: 07H30 – 16H00 prior to tender closing. No tender documents will be accepted after the stipulated tender closing date and time.</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p><b>Where a Tenderer does not submit one (1) original tender plus one (1) copy of the original tender at tender submission deadline, the tenderer will be disqualified.</b></p>
2.13 Tender Validity Period	<p>The tender validity period is 16 weeks.</p>
2.16 Site/clarification meetings	<p><b>A non-compulsory Clarification meeting with representatives of the Employer will take place as follows:</b></p> <p>Date: <b>21 July 2022</b> Time: <b>10h00</b> Venue: <b>MS Teams</b></p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p> <p><b>It is to be noted that this is a non-compulsory clarification meeting and suppliers who do not attend such a meeting will not be disqualified and may submit a tender.</b></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 five (5) working days before the deadline for tender submission.</p>

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	<p>All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative (Buyer) (<a href="mailto:sibiyath@eskom.co.za">sibiyath@eskom.co.za</a>).</p> <p>Responses for the queries and clarification raised will be uploaded on the Eskom Tender Bulletin as well as the National Treasury Tender portal. Tenderers are therefore encouraged to continuously check the bulletins for the latest updates or addendums during the tender process.</p>
2.23 Alternative tenders	Alternative tenders are <b>NOT</b> allowed.
2.25 Conditions of contract	The conditions of contract will be the <b>NEC 3 Supply Contract</b>
3.4 Opening of tenders	Tenders will NOT be opened.
3.5 Prices to be read out	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"><li>• Meet the eligibility criteria for a tenderer</li><li>• Submit one (1) hard copy of the original tender to Eskom plus one (1) copy of the original tender at tender submission deadline</li><li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li><li>• Central Supplier Database (CSD) number (MAA.....)</li></ul> <p>A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.</p>
3.11 Pre-qualification criteria	Pre-qualification criteria are not applicable
3.12 Designated materials and thresholds	Designated material thresholds is not applicable
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Document KZN22SGTC01 – Technical evaluation Criteria for Smart Meter Pole Top Boxes sets out the standardised Central East Cluster technical evaluation criteria and evaluation methodology for smart split meter pole top boxes for outdoor applications and includes the necessary annexures (attached).</p>

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The technical evaluation methodology has two main parts, namely a paper evaluation (stages 1 and 2) and a factory sample evaluation (stage 3). The requirements of each stage must be met, as stipulated, for a tenderer to proceed to the next stage.

### Stage 1 and Stage 2 Paper evaluation

The paper evaluation exercise is performed by technical evaluators. The technical evaluation is a sequential process and begins with assessing the mandatory (gatekeeper) requirements of stage 1, and proceeds to the functional (scoring) requirements of stage 2 and then stage 3 (factory sample evaluation). Tenderer(s) shall only progress to the next stage if all the stipulated requirements, submitted in the prescribed form, are met before the submission deadline. During stage 1, the required mandatory (gatekeeper) tender returnables are verified. If a tender fails to submit any of the mandatory tender returnables Eskom may terminate the technical evaluations without concluding a review of all the mandatory requirements, any further review will be at the discretion of Eskom.

Tenderers that do not meet the 80% threshold will be disqualified and will not be evaluated further. Stage 3 (factory sample evaluation) will only be undertaken if the tenderer meets the minimum threshold of 80% for stage 2.

### Stage 3 Factory Sample Evaluation

This evaluation is performed at the Original Equipment Manufacturers' (OEM) premises to assess the manufacturing capability in order for a prospective tenderer to supply the required product. The factory sample evaluation is not confirmation or a guarantee that any contract will be entered into by Eskom and the supplier or that post contract performance has been achieved.

The time allowed for resolving the technical findings will be 2 calendar weeks from the date of communication of the requirements from Eskom's representative. A response is to be received no later than the deadline stipulated.

### Evaluation of Resellers, Distributors, Agents or Third Parties (not OEM)

Tenderers that attain a minimum score of 80% in Stage 2 and who are not the Original Equipment Manufacturer (OEM) (i.e. a reseller, redistributor, agents or third parties) of the tendered product will be required to attend a virtual meeting with Eskom, either via Microsoft Teams or alternative, to gauge the compliance of the products tendered as well as the tenderers involvement in the supply of these products to Eskom. An assessment of the tenderer's premises may be performed at Eskom's discretion to corroborate above.

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	<p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p> <p><b>REFER TO THE TECHNICAL FOLDER</b></p>
3.15 Evaluation of price	<p>Prices will be evaluated via the e-auction system</p> <p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"><li>• Inclusive of VAT</li><li>• Making the specified correction for arithmetical errors</li><li>• Excluding contingencies in any bill of quantities or activity schedule.</li></ul>
3.17 Evaluation of B-BBEE	<p>Prices will be scored out of 80 or 90 points</p> <p>B-BBEE status will be scored out of 10 or 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 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</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> <p>either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <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>
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction <b>is applicable</b></p> <p><b>Please note:-</b></p> <p>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry.</p> <p>The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</p>

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Contractual Requirements

Contractual Requirements may include the following:

- SHEQ requirements; and
- Financial statements; and
- Supplier Development Localisation & Industrialization

**Please Note:**

Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.

Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.

After the first SHEQ tender evaluation, supplier(s) shall be given five (5) working days to submit outstanding documents or rectify shortcomings that were identified in the evaluation. Failure to do so means that the supplier shall be regarded as non-responsive.

**Please note:**

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed market-related.

Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a main contractor subcontracts with a subsidiary this must be declared in tender documents.

A report containing a list of potential sub-contractors may be drawn by accessing the following link: [www.csd.gov.za](http://www.csd.gov.za)

“proof of B-BBEE status level of contributor” means-

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

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### 1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	Submit one (1) hard copy of the original tender to Eskom plus one (1) copy of the original tender at tender submission deadline	✓	
	CSD number MAAA.....	✓	
<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	CPA Requirements For Local Goods And Services (South Africa)	✓	
<b>Annexure F</b>	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure G</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
<b>Annexure H</b>	SBD 4 – Standard Bidding Document	✓	
<b>Annexure I</b>	Supplier Declaration of Interest	✓	
<b>Annexure J</b>	Reverse e-auction training acknowledgement form	✓	
<b>Annexure K</b>	Supplier Development & Localisation (SD&L) Undertaking		✓
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	

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	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>“proof of B-BBEE status level of contributor”</b> 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; (as may be applicable for the particular tendering entity )	✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.	✓	
	<b>“proof of B-BBEE status level of contributor”</b> 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;	✓	
<b>“proof of B-BBEE status level of contributor”</b> means:- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;	Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number ) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) .		✓

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	Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
<b>Shareholding - Annexure B1</b>	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
<b>NEC</b>	NEC3 Supply Contract	✓	
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</b>			
<b>Safety</b>	<ul style="list-style-type: none"><li>▪ COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)</li><li>▪ Acknowledgement of Eskom rules – signed (Annexure B).</li><li>▪ Health and Safety Plan consisting of Incident Management, SHE Communication, Emergency Management.</li><li>▪ Base line risk assessment including Driving</li><li>▪ SHE Policy</li></ul>		✓
<b>Quality</b>	<ul style="list-style-type: none"><li>▪ Category 4 Quality Requirement will apply (Appendix A)</li><li>▪ Form A - to be completed and signed by the supplier</li><li>▪ Supplier Quality Management Specification (QM58) – to be read and understood</li><li>▪ Recommended templates</li><li>▪ - CQP/ Method Statement (Category 4</li></ul>		✓

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Environmental	Ref	KPI		✓
	1	<b>Pre-requisite</b> Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?		
	2	<b>Environmental Management Plan for the Scope of work addressing the following as a minimum: Applicable to low risk:</b> <ul style="list-style-type: none"><li>Waste management (reduction, re-use, recycling, disposal).</li></ul> Environmental induction.		
	3	<b>All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD:</b> Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.		
OR				
Due Diligence	Ref	KPI		✓
	1	Annexure B is the acknowledgement of Eskom's <b>SHE rules</b> and requirements form ( <b>Annexure B</b> ) signed and submitted by the tenderer?		
	2	ISO 14001 Environmental Management Standard certificate.		
	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 the document called KZN22SGTC01 - Technical Evaluation Criteria For Smart Split Meter Pole Top Boxes For Central East Cluster		✓	

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐


**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. ☐

Invitation to Tender No: \_\_\_\_\_

Name of company/JV: \_\_\_\_\_

Country of registration \_\_\_\_\_

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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 – <b>Annexure B1</b>
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](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
6. 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 compete 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 B1	DECLARATION OF SHAREHOLDING OR BENEFICIARIES	Tender Returnable
-------------	--	-------------------

Eskom prospective Suppliers are requested to declare the names of Shareholders in their Company. Kindly disclose all the names of individuals or/and companies that own shares in your organization.

Details of Disclosure

I, the undersigned \_\_\_\_\_ (Position) \_\_\_\_\_  
hereby Declare that I am the authorized representative of my organisation \_\_\_\_\_  
(name of Company or Trust). I further declare that the following people are  
Shareholders/Beneficiaries in \_\_\_\_\_ (Name of Company or Trust)

Name of the Company/Trust	Registration number of the Company/Trust	Names of all Shareholders	Number/Percentage of Shares

(Tick applicable box)

Are any of the shareholders or beneficiaries declared above employed by or close family members\* to employees of Eskom Holdings SOC Limited and/or its subsidiaries?

Yes	No
-----	----

If yes, please provide details of position held in Eskom by Employee or relationship with Eskom Holding SOC Limited Employee and such shareholder/beneficiary's interest in your organization.


SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

Close family member means: person related by birth or marriage or similar relationship, including domestic partnership, adoption or a guardian.

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## ANNEXURE C

### INTEGRITY DECLARATION FORM

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

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

Full Name & Capacity/ Position within tenderer /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

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

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

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

Item	Question	Yes/No	No
1.1	<p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>		

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1.2	<p>Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>	
1.3	<p>Was the tenderer/s (or any of its directors/members/shareholders) 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	<p>Provide details.</p>	
1.4	<p>Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>	
1.5	<p>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?</p>	

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.

<b>Signature:</b>	
<b>Designation and capacity in which signing:</b>	
<b>Date:</b>	

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#### Joint Ventures

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

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

##### 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

##### 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.

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#### 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 • Final Manufactured Goods Or • Intermediate Manufactured Goods OR
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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			<ul style="list-style-type: none"><li>SEIFSA Table U Producer Price Index (PPI) - final manufactured GOODS OR Intermediate Manufactured Goods</li></ul>
--	--	--	---

**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 F**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)</b>			
BID NUMBER:	CLOSING DATE:	CLOSING TIME:	
DESCRIPTION			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)			


**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			

	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?	<input type="checkbox"/> No			<input type="checkbox"/> No	

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	<input type="checkbox"/>	A REGISTERED AUDITOR
		NAME:

<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMES&amp; QSES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>
--

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes [IF YES ENCLOSE PROOF]	<input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes [IF YES ANSWER PART B:3 BELOW]	<input type="checkbox"/> No
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

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Handwritten signature/initials



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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA/ JOINT VENTURES/ SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS/ PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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## Annexure G

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  
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together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

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

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

- i) 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 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;

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- 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.

WITNESSES

1. ....
2. ....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

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## Annexure H

SBD 4

# BIDDER'S DISCLOSURE

## 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

## 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?  
**YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of institution	State

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?  
YES/NO

2.2.1 If so, furnish particulars:  
.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?  
YES/NO

2.3.1 If so, furnish particulars:  
.....  
.....

3 DECLARATION

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned,  
(name)..... in submitting the  
accompanying bid, do hereby make the following statements that I certify to be true  
and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

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3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.


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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....


Position

Name of bidder

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## Annexure I

### Supplier Declaration of Interest

I, the undersigned **[insert full name of signatory]**....., in my capacity as **[insert capacity, i.e., member, director, partner, etc.]** ..... of the supplier **[insert registered full legal name of the supplying entity AND their company registration number]** ..... certify under oath that, to the best of my knowledge, the information furnished herein is true and correct. I accept that Eskom reserves its right to act against the supplier named above or me personally in terms hereof, should this declaration prove to be false.

Eskom employees and directors that engage in **private work** for or on behalf of the Supplier are not permitted to financially benefit from the procurement associated with this **enquiry / tender**

In order to manage situations where conflicts of interests may exist, involving Eskom employees and/or directors engaging in **private work** with the Supplier (named above) associated with this **enquiry / tender**, you are hereby required to declare their positions to Eskom and take an oath declaring their interests.

#### For the purposes of this Declaration:

- 1. Private Work** includes private interests, and means any employment or commercial activity, or any other interests embarked on by an employee outside the scope of his/her Eskom employment.
- 2. A commercial activity** means any activity an employee engages in outside Eskom for the purpose of generating income, whether or not the activity actually produces income and/or is profitable.
- 3. Close Family** means persons related to the employee or director by birth, marriage, domestic partnership, adoption, guardianship or the like, who may influence, or be seen to influence the objectivity of the employee or director **OR** related persons who may be influenced by the employee or director in their dealings with Eskom;
- 4. Associate** means any person (i.e. a friend, rival, business partner, neighbour or the like) who has a relationship with an employee or director who may influence, or be seen to influence the objectivity of the employee or director **OR** who may be influenced by the employee or director in their dealings with Eskom;

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**5. Participation in the Procurement Process** means conceptualisation, proposal, specification, feasibility studies, sourcing, evaluation, benchmarking, negotiation, approval and awarding or withdrawal of offers / tenders in relation to orders / contracts for performing any work, providing any services, or supplying any material, article or equipment or performing any other act; and

**6. Business Courtesy** means a gift or favour received from a person or a firm for which fair market value is not paid, and includes non-monetary gifts, meals, drinks, entertainment, hospitality, recreation, transportation, attendance prizes, discounts, tickets, passes, promotional items, materials, equipment and the like.

In order to give effect to the above, the following questionnaire must be completed and submitted as a returnable with your enquiry / tender/ attendance at a negotiation.

**\* Delete whichever is not applicable.**

Are you or any other person who holds an interest in the Supplier named above (i.e. a shareholder, a director, or a member or partner, a line manager, or a fellow employee), employed by Eskom or serves as a director at Eskom?

**\*YES/NO**

If

If so, state particulars

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

Are you, or any other person who holds an interest in the Supplier named above, a **close family member** to or an **associate** of an Eskom employee and/or director, who may be **participating in the procurement process** associated with this enquiry / tender / negotiation?

**\*YES/NO**

If


If so, state particulars

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

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Are you aware of any relationship which amounts to that of **close family** (i.e. related by birth, marriage, domestic partnership, adoption, guardianship or the like) or that of an **associate** (i.e. a friend, rival, business partner, neighbour, etc.) between person/s acting for or on behalf of the Supplier and an Eskom employee and/or director, who may be **participating in the procurement process** associated with this enquiry / tender / negotiation?

**\*YES/NO**

If so, state particulars

.....

.....

.....

.....

Have you, or any other person who holds an interest in the Supplier named above, given a **business courtesy** to or received a business courtesy from an Eskom employee and/or director over the last 12 (twelve) months?

**\*YES/NO**

If so, state particulars

.....

.....

.....

.....

If providing services as a consultant to Eskom, please state the particulars of any other services that the Supplier named above is currently rendering to any other Eskom business units, Eskom Divisions, Eskom subsidiaries, Eskom suppliers of primary energy (coal, water, fuel and associated logistics), Eskom suppliers of strategic commodities (specifically primary plant, IT hardware, IT software, construction services, consulting services and professional services), and key industrial customers. For purposes of this declaration a consultant is deemed to be a supplier that is providing Eskom with advice / contracted deliverables linked to specific technical and /or strategic issues that are core to Eskom's approved strategic direction, and /or where the services of a registered professional are required (e.g. attorneys, auditors, engineers, etc.).

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Declaration of other work				
Name of Client	Nature of Services	Date/s of contract	of	Contact person/s and contact details

Name	Designation	Signature	Date
[insert your full name/s]	[Insert your full designation]		
Telephone number		Fax and/or e-mail address	

## Annexure J Acknowledgement Form - Reverse E-auctioning Training

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Invitation to Tender No. [.....]

Name of company/JV \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Contact person's details:

Tel (landline): \_\_\_\_\_

Cellphone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

### Acknowledgment:

I \_\_\_\_\_ (supplier name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on \_\_\_\_\_ at \_\_\_\_\_ I am satisfied with the training and I can confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

I \_\_\_\_\_ (supplier name) acknowledge that I have undergone self-training of the uploaded Reverse E-auction video (<https://www.youtube.com/watch?v=2OzleM6x-fs>), and did not have to attend the clarification meeting for me to understand it. I am satisfied with my self-training and confirm that I will be able to operate the Reverse E-auction system should I be the recommended supplier.

Signature:.....

Designation:.....

Date:.....

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