

A decorative graphic on the left side of the slide, consisting of three overlapping circular frames. The top frame shows a close-up of solar panels. The middle frame shows a large industrial facility with several tall, cylindrical cooling towers and a body of water in the foreground. The bottom frame shows a helicopter lifting a large, rectangular object (likely a transformer) using a crane. A worker is visible on a platform below the helicopter.

The Provision of Environmental and related Specialist Services to Transmission on an as and when required basis.

Presented by: Martin Sabelo

Date: 12 July 2022

- Panel A: BBBEE Level 1 to 4
- Panel B: EME/QSE BBBEE level 1 to 2
- Skills Development-SD&L Matrix

- Panel A: BBBEE Level 1 to 4
- Panel B: EME/QSE BBBEE Level 1 to 2
- A valid BBBEE certificate issued by a SANAS accredited agency
- Valid Affidavits in DTI template
- Joint Ventures must submit a consolidated BBBEE certificate

Challenges in BBBEE/Affidavit Submissions Leading into Non Compliant

- In term of the BBBEE Codes of Good Practice and the BEE Commission guidelines.

“It is illegal for a measured entity to trade with an invalid/inconclusive or incorrect B-BBEE Verification Certificate. The procurement spend as a result of such an invalid document cannot be recognized during B-BBEE measurement, therefore, it is critical to determine the validity of B-BBEE certificates measured entities present in order to access an economic opportunity”.

Challenges BBBEE/Affidavit Submissions Leading into Non Compliant

- Pre-qualification requirements are that tenderers must submit:
 - Valid BBBEE Certificate or an Affidavit
 - Joint Ventures must submit a consolidated BBBEE certificates

Problems Identified with submission of invalid BBBEE Certificates/Affidavits

BBBEE Certificates

- Some Tenderers still submit BBBEE Certificates which are issued by Auditors or Accounts.
- In terms of the communication of 31 December 2016, issued by both DTI and IRBA. No auditor/accountant is allowed to issue BBBEE certificates unless accredited by SANAS.

Affidavits

- The legal dictionary (<https://legal-dictionary.thefreedictionary.com/Affadavit>) defines a sworn affidavit as a written statement of facts voluntarily made by a person under an oath or affirmation administered by a person authorized to do so by law.

Invalid Affidavits tends to have the following

- Deponent does not state his capacity of compiling the affidavit on whether he/she is the director/owner/member of the company
- The full date of the financial year end is not stated in full, eg. Year 2021 instead of 28 February 2021.
- Not stating whether the turnover of the company to qualify as an EME/QSE is derived from Financial statement or Management Account

Challenges in BBBEE/Affidavit Submissions Leading into Non Compliant

- The dates of the Commissioner of Oath and Deponent are not the same.
- REGULATIONS GOVERNING THE ADMINISTERING OF AN OATH OR AFFIRMATION under clause:
 - 3 (1), state that “The deponent shall sign the declaration in presence of the Commissioner of Oath”.
 - 4 (1) Below the deponent's signature or mark the commissioner of oaths shall certify that the deponent has acknowledged that he knows and understands the contents of the declaration and he shall state the manner, place and date of taking the declaration

Key Elements of B-BBEE Sworn Affidavits

Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:

- a) Name/s of deponent as they appear in the identity document and the identity number.
- b) Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorized to depose of an affidavit. **(Underline or circle Whichever is applicable).**
- c) Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- d) Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. **(Underline the applicable option).**
- f) Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. (Financial year end to be stipulated by **day/month/year**).
- g) B-BBEE Status level. An enterprise can only have one status level.
- h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- i) Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn Affidavit must be signed in the presence of the Commissioner of Oath).**
- j) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest
- K) Sworn Affidavits attested / signed by a Commissioner of Oaths as a true copy **stamp** will not be accepted

- Skills development is not an evaluation criteria but a contract undertaking which will be finalized at a contract stage with a successful tenderers
- Skills development will be done to benefit the local communities where the project will be executed.
- Tenderers can not charge Eskom on Skills development
- Suppliers/Contractors are encouraged to employ locals to avoid disruptions on site and also to ensure that there is benefit for local communities.

SD&L Matrix



TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS

Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	50.00%	100.00%		0.00%
Local Content Local to Site	0.00%	0.00%		
Procurement from LBS	0.00%	0.00%		
Procurement from BWO	0.00%	0.00%		
Procurement from BYO	0.00%	0.00%		
Skills Development	50.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX

Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Environmental Consultants/Learnerships		100.00%	25				0.00%
		0.00%	0				0.00%
		0.00%	0				0.00%
		0.00%	0				0.00%
		0.00%	0				0.00%
		0.00%	0				0.00%
Total		100.00%	25	0	0	0	0.00%

ADDITIONAL NOTES:

Local Content Local to Site refers to resourced obtained from the municipal district or province in which the project will take place.
 Skills Development candidates Local to Site shall be sourced from the district municipality or province in which the contracted goods or services will be consumed.
 Skills Development candidates Local to South Africa shall be sourced elsewhere in South Africa either than the province in which the project takes place.
 The targets and proposals for skills development Local to South Africa and Local to Site are exclusive.

To be completed by Tenderer

Number of jobs to be created as a result of this contract	
Number of jobs to be retained as a result of this contract	

To be completed by Tenderer

Company: _____

Designation: _____

Signature: _____

Date: _____

Supplier Development and Localisation Representative

Name: _____

Signature: _____

Date: _____

