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

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER


FOR

PROVISION OF LAND SURVEYING SERVICES PANELS FOR THE TRANSMISSION DIVISION ON AN “AS AND WHEN REQUIRED” BASIS FROM THE START DATE UNTIL 30 JUNE 2027

Tender number	MWP1593TX
Issue date	01 September 2022
Closing date and time	22 September 2022 at 10h00am
Tender validity period	180 days from the closing date and time
Non Compulsory Clarification meeting	<p>Date: 13 September 2022 Time: 10h00am Venue: MS Teams</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee. Appointments will only be sent to those who submit this information by latest close of business (COB) on Friday the 09 September 2022.</p> <p>Please send email to: Godfrey.Radzelani@eskom.co.za</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Megawatt Park Tender Office Northside Maxwell Drive Sunninghill

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		Review Date	February 2027		

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Provision of Land Surveying Services Panels for the Transmission Division on an “as and when required” basis.

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

1. 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/RFP]* 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




Acting Procurement Manager

Mmbudzeni Netshiavha

Date: 31/08/2022

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Contents of Invitation to Tender

1. Invitation to Tender

- 1.1 Standard Conditions of Tender (refer to www.eskom.co.za for this document that suppliers are required to download and read).
- 1.2 Tender Data.
- 1.3 Commercial Tender Returnables.

2. Evaluation Process and Criteria

- 2.1 Basic Compliance / Responsive Criteria.
- 2.2 BBBEE status Level
- 2.3 Functionality (minimum threshold to qualify for further evaluation is 80% out of 100%)
- 2.4 Price and Preference Scoring (80/20 in terms of Eskom Procurement and Supply Chain Management Procedure 32-1034)

Please note: 80/20 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. Eskom will only appoint twelve (12) top ranked suppliers on the current augmentation process.

Note:

- 1. If two or more tenderers have scored equal points, the successful tenderer will be the one that scored the highest points for B-BBEE.
- 2. If two or more suppliers scored equal points, including equal preference points for B-BBEE, the successful tenderer will be the one that achieved or scored the highest points under functionality.
- 3. If two or more tenders are equal in all respects, the award will be decided by drawing of lots.

2.5 Contractual Requirements (SHEQ, SDL&I undertaking)

3. Conditions of Contract


Refer to the attached NEC3 Professional Service Contract (PSC3).

4. Works Information

NEC3 Professional Service Contract (PSC3).

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5. Pricing Data


Refer to the attached NEC3 Professional Service Contract (PSC3).

The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
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)		N/A
6.6	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure E	Y
6.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure F	Y
6.8	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		Y
6.9	Employment Equity	Annexure G	Y
6.10	Bidder's Disclosure - SBD4	Annexure H	Y
6.11	Reverse e-auction process (if applicable)		N/A
6.12	Supplier Development & Localisation (SDL&I) Undertaking	Annexure I	Y

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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. 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 Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Godfrey Radzelani Tel: 011 871 3165 E-mail: Godfrey.radzelani@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MWP1593TX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <p>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/parts of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ol style="list-style-type: none"> 1. 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. 2. Tenderers submit more than one [tender] either individually or as a partner in a joint venture (JV) or consortium 3. [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


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	<p>liable for the execution of the Contract in accordance with the Contract terms.</p> <p>4. 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/RFP] process, if :</p> <ol 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 of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <p>5. Tenders signed by non- authorized persons</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. 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</p> <p>8. Any tenderer that is restricted by National Treasury</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is: Date 22 September 2022 Time 10h00am 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 Megawatt Park Tender Office Northside Maxwell Drive Sunninghill</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 require that one (1) additional complete soft copy of the original tender is also submitted in electronic format (USB).</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 180 days</p>
2.16 Site/clarification meetings	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 13 September 2022</p>

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	<p>Time: 10h00am 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 of each proposed attendee.</p> <p>Note: RSVP to Godfrey.Radzelani@eskom.co.za by latest close of business (COB) on Friday the 09 September 2022</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.</p> <p>NB: No questions, during the tendering period will be answered telephonically. Questions must be submitted in writing via e-mail through to:</p> <p>Name : Godfrey Radzelani E-Mail : <u>Godfrey.Radzelani@eskom.co.za</u></p> <p>If there are any clarifications before the closing date, those will be posted with responses on the tender bulletin and it is the responsibility of the contractor / supplier to check daily any posted communication relating to this invitation to tender</p>
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	The conditions of contract will be the NEC3 Professional Services Contract (PSC3)
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline
3.5 Prices to be read out	Prices will not be read out
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.

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3.11 Pre-qualification criteria	Pre-qualification criteria is not applicable																		
3.12 Designated materials and thresholds	Designated material thresholds are not applicable																		
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Mandatory Requirements:</p> <ul style="list-style-type: none">• Registration with the South African Geomatics Council (SAGC) as a Professional Land Surveyor / Professional Surveyor / Surveyor.• The company under which the Professional Land Surveyor or Professional Surveyor or Surveyor is tendering under, must be compliant to the Geomatics Profession Act – Act 19 of 2013 Section 17• Letter of Good Standing from SAGC <p>The applicable Technical Evaluation Criteria is as follows:</p> <p>The supplier to indicate the category they are tendering for by adding the company name as well as ticking the appropriate category. A supplier can only tender for one category.</p> <table><tr><th>Suppliers</th><th>Professional Land Surveyors</th><th>Professional Surveyors and Surveyors</th></tr><tr><td></td><td></td><td></td></tr></table> <p>Professional Land Surveyors Technical Evaluation Criteria:</p> <table><tr><th>Technical Requirements</th><th>Sub-criteria</th><th>Score</th></tr><tr><td>Human Resources</td><td></td><td>8</td></tr><tr><td>Staff Complement – Professionals, Technical, Assistants, draftsman</td><td>8</td><td></td></tr><tr><td>Attach a copy of their CV, Qualification and Registration where applicable.</td><td></td><td></td></tr></table>	Suppliers	Professional Land Surveyors	Professional Surveyors and Surveyors				Technical Requirements	Sub-criteria	Score	Human Resources		8	Staff Complement – Professionals, Technical, Assistants, draftsman	8		Attach a copy of their CV, Qualification and Registration where applicable.		
Suppliers	Professional Land Surveyors	Professional Surveyors and Surveyors																	
Technical Requirements	Sub-criteria	Score																	
Human Resources		8																	
Staff Complement – Professionals, Technical, Assistants, draftsman	8																		
Attach a copy of their CV, Qualification and Registration where applicable.																			

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	Company Years of Experience		16
	10 Years & Above	16	
	5 to 9 Years	12	
	0 to 4 Years	8	
	Attach a company profile with completed projects		
	Previous related Experience in Survey		60
	Cadastral Survey Projects: Framing of Line Servitude SG Diagrams. Project name, Customer, Customer Contact details, Scope of Work undertaken and Methodology. Each project to be supported by the Customer Referral letter with company official letterhead Maximum of one Project	10	
	Engineering Survey Projects: Site Selection, Route Selection, Topographical Survey, and Setting out Survey of linear Projects Project name, Customer, Customer Contact details, Scope of Work undertaken and Methodology. Each project to be supported by the Customer Referral letter with company official letterhead. Maximum of three Projects from either of the four categories.	30	
	Specialized Knowledge Projects: Mobile/Terrestrial Scanning /Aerial Drone Mapping, Digitizing from Aerial Imagery, Sub-Centimeter Precise Setting Out and Underground Penetration Radar.	20	

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	Project name, Customer, Customer Contact details, Scope of Work undertaken and Methodology. Each project to be supported by the Customer Referral letter with company official letterhead. Maximum of two Projects from either of the four categories.		
	Technical Resources		16
	Survey Equipment: GPS, Total Station and Level List the equipment, make, model and calibration certificate	6	
	Survey Specialized Equipment: Mobile/Terrestrial Scanner, Aerial Drone, Underground Penetration Radar. List the equipment, make, model, and Civil Aviation Authority licensing.	7	
	Survey Software: List the software and the versions Maximum of 3 Software	3	
	Total		100%
	Minimum Threshold For Professional Land Surveyors	70%	
	Surveyor and Professional Surveyors Technical Evaluation Criteria:		
Technical Requirements	Sub-criteria	Score	
Human Resources		8	
Staff Complement:	8		

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	Professionals, Technical, Draftsman, Assistants, Attach a copy of their CV, Qualification and Registration where applicable.		
	Years of Experience Post Registration		16
	10 Years & Above	16	
	5 to 9 Years	12	
	0 to 4 Years	8	
	Attach a company profile with completed projects		
	Previous related Experience in Survey		60
	Engineering Survey Projects: Site Selection, Route Selection, Earthwork Volumetric, Deformation survey, Topographical Survey, and Setting out Survey of linear Projects Project name, Customer, Customer Contact details, Scope of Work undertaken and Methodology. Each project to be supported by the Customer Referral letter with company official letterhead. Maximum of Four Projects from either of the Six categories.	40	
	Specialized Knowledge Projects: Mobile/Terrestrial Scanning /Aerial Drone Mapping, Digitizing from Aerial Imagery, Sub-Centimeter Precise Setting Out and	20	

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	Underground Penetration Radar. Project name, Customer, Customer Contact details, Scope of Work undertaken and Methodology. Each project to be supported by the Customer Referral letter with company official letterhead. Maximum of two Projects from either of the four categories.		
	Technical Resources		16
	Survey Equipment: GPS, Total Station and Level List the equipment, make, model and calibration certificate	6	
	Survey Specialized Equipment: Mobile/Terrestrial Scanner, Aerial Drone, Underground Penetration Radar. List the equipment, make, model, and Civil Aviation Authority licensing.	7	
	Survey Software: List the software and the versions Maximum of 3 Software	3	
	Total		100%
	Minimum Threshold For Surveyors and Professional Surveyors	70%	
Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further			
3.15 Evaluation of price	Prices will be evaluated as follows: 1. Inclusive of VAT 2. Making the specified correction for arithmetical errors		

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	<ol style="list-style-type: none"> 3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 5. 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. 1. Unconditional discounts must be taken into account for evaluation purposes; 2. 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 or 90 points</p>
3.17 Evaluation of B-BBEE	<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> <ol style="list-style-type: none"> 1. 90/10 (for estimated values above R50M inclusive of VAT) or 2. 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or <p>state that 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> <p>Please note: 80/20 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. Eskom will only appoint twelve (12) top ranked suppliers on the current augmentation process.</p> <p>Note:</p>

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	<ol style="list-style-type: none"> 1. If two or more tenderers have scored equal points, the successful tenderer will be the one that scored the highest points for B-BBEE. 2. If two or more suppliers scored equal points, including equal preference points for B-BBEE, the successful tenderer will be the one that achieved or scored the highest points under functionality. 3. If two or more tenders are equal in all respects, the award will be decided by drawing of lots.
3.19 Objective Criteria (if applicable)	Objective criteria are not applicable
3.20 Reverse e-auction (if applicable)	Reverse e-auction is not applicable
Contractual Requirements (if applicable)	<p>Safety and Health requirements:</p> <ul style="list-style-type: none"> • Acknowledgement of Eskom's Safety; Health; and Environmental (SHE) rules and requirements form (Annexure B) signed and submitted by the tenderer. • Health and Safety Plan (must address the project / scope of work OHS risk(s) and aligned with the health and safety specification or requirements). • Baseline SHE Risk Assessment (BRA). • Valid Letter of Good Standing (COIDA or equivalent). • SHE policy signed by CEO/ MD. The submitted policy must comply to OHS Act Section 7. • Costing for Health and Safety management Submit the detailed costing for OHS and costing is limited to Safety PPE and Medical fitness certificates. • OHS Competency (Consider scope of work, risks, OHS plan and applicability) CV's and qualifications / certificates. • COVID-19 management plan. <p>Environmental Requirements:</p> <p>The supplier needs to comply with National Environmental Act duty of care principles. By signing below the contractor accepts compliance and legal responsibility</p> <ul style="list-style-type: none"> • No collection of red data species on site • The gates need to be left closed / open (as found on site) • No vehicle must drive on cultivated areas • No collection of heritage artifacts <p>Method statements to be submitted by the contractor:</p>

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- Waste management on site
- Sanitation on site
- Oil and spill management on site during works period
- Compliance to legislation, i.e Survey Act

Quality Requirements:

- Quality Method statement based on scope.
- Quality Policy Approved by top management.
- Quality Objectives Approved by top management.
- Documented information for defined roles, responsibilities and authorities.
- Form A is completed and signed.

As SHEQ is a contractual requirements to the tender process, any obligations that are required post the establishment of the contracts with the suppliers will be prescribed in the contract. The tender committee will be approached with a mandate to negotiate (where applicable) and conclude prior to the conclusion of the SHEQ evaluation in order to expedite the award of the panel for Land Surveying Services.

Supplier Development, Localisation and Industrialisation (SDL&I) Requirements:**Skills Development**

Tenderers are required to develop skills in the following field:

- Learnership x 10

Note: Targets for skills development will be determined at task order level depending on the duration and budget of the order allocated.


Jobs: Tenderers are required to submit proposals for the type and number of jobs that will be created and retained as a direct result of being awarded a contract

SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

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	<p>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. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable

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.

The suppliers that are already contracted for the same services are restricted from tendering. The enquiry is mainly issued to top up the number of the contract.

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

“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
Basic Compliance	The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender	✓	
Please Note that : “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; If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified	“Proof of B-BBEE status level of contributor” for main contractor	✓	
	CSD number	✓	
	Signed Sub-contracting intent agreement		✓
	“Proof of B- BBEE status level of contributor” for sub-contractor belonging to designated group	✓	
	Any other supporting documents to verify the status of the main contractor or sub-contractor(as may be stipulated in 3.11)	✓	

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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 (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure F	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure G	Compliance with Employment Equity Act		✓
Annexure H	Bidder's Disclosure – SBD4	✓	
Annexure I	Supplier Development & Localisation (SD&L) Undertaking		✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	“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; (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.		✓


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*“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;	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” 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.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓
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)		✓

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Shareholding	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)	✓	
NEC Documentation	NEC3 Professional Services Contract (PSC3) Completed and Signed: <ul style="list-style-type: none"> • C1.1 Form of Offer & Acceptance • Schedule of Deviations • C1.2 Contract Data (Part two-Data provided by the Consultant • C2.2 Staff rates, expenses & the task schedule 	✓	
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	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)		✓
Quality	Refer to contractual requirements above		✓
Other safety/quality documents as required per scope of works	Refer to contractual requirements above		✓
Environmental	Refer to contractual requirements above		✓
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.	N/A	
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	Refer to 3.13 Functionality requirements above	✓	

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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. ☐

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

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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

1. 8.1 Confirm if you intend sub-contracting

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

2. 8.2 What percentage will you be sub-contracting? _____%

3. 8.3 To whom do you intend sub-contracting? _____

4. 8.4 Is the said sub-contractor registered on CSD?

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

5. 8.5 If yes to 8.4, please provide CSD number._____

6. 8.4 Please confirm B-BBEE level of said sub-contractor_____


7. 8.5 Which designated group does the sub-contractor belong to:-

1. Black people
2. Black people who are youth
3. Black people who are women
4. Black people with disabilities
5. Black people living in rural or underdeveloped areas or townships
6. Cooperatives which are 51% owned by Black people
7. 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:

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

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

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

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

- **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: _____

- **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.

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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:-

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. 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:-
 1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 3. 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

1.a juristic person is “related” to another juristic person if :-

1. (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. (2) either is a subsidiary of the other; or
3. (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”
5. 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.

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.

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


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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</p>		

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	business with any International Financial Development/funding Agency or Lending Institution		
1.5	<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>		

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:	

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(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:

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. 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:

1. A fixed priced offer in addition to the fully CPA compliant main offer; or
2. 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:

1. 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.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

3. NUMBER OF FORMULAE & INDICES

1. 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.

2. 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.

3. BASE DATE

1. 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
2. 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
 1. In this case, the following shall apply:
 1. 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
 2. Where a high, low and mean are published:
The mean
 3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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The Cash Settlement or Cash Sellers Price

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

3. 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	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)

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		engineering material		StasSA, PO142.1), PPI 4. Final Manufactured Goods 5. Or Intermediate Manufactured Goods OR 6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	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		
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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	National Statistical Institute, Country-specific CPI (Headline)

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	LME, Copper	National Statistical Institute, Country-specific electrical engineering material	transport cost index	National Statistical Institute, Country-specific PPI
	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


SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MWP1593TX	CLOSING DATE:	22 September 2022	CLOSING TIME:	10h00am
DESCRIPTION	Provision of Land Surveying Services Panels for the Transmission Division on an "as and when required" basis				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	Eskom	CONTACT PERSON	Godfrey Radzelani
CONTACT PERSON	Godfrey Radzelani	TELEPHONE NUMBER	011 871 3165
TELEPHONE NUMBER	011 871 3165	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	Godfrey.radzelani@eskom.co.za
E-MAIL ADDRESS	Godfrey.radzelani@eskom.co.za		

PART B TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:
1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 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. 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.
TAX COMPLIANCE REQUIREMENTS
1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 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. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILEING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

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5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS


1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ 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 F

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. The following preference point systems are applicable to all bids:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
1.
 - 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*).
2. Points for this bid shall be awarded for:
 1. Price; and
 2. B-BBEE Status Level of Contributor.
1. 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

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2. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
3. 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.

3. DEFINITIONS

1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
2. **“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;
3. **“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;
4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
5. **“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;
6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
7. **“prices”** includes all applicable taxes less all unconditional discounts;
8. **“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;
 4. **“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;
5. **“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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6. POINTS AWARDED FOR PRICE

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

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

- 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

8. BID DECLARATION

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

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

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.

10. SUB-CONTRACTING

1. Will any portion of the contract be sub-contracted?
(*Tick applicable box*)

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

1. If yes, indicate:

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

4. Whether the sub-contractor is an EME or QSE
(*Tick applicable box*)


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

5. 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		

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Black people who are military veterans		
OR		
Any EME		
Any QSE		

6. DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name _____ of
company/firm:.....

2. VAT _____ registration
number:.....

3. Company _____ registration
number:.....

4. TYPE OF COMPANY/ FIRM

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

5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

6. COMPANY CLASSIFICATION


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

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

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:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. 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;
4. 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 –
 1. disqualify the person from the bidding process;
 2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 3. 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;
 4. 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
 5. forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>.....</p> <p>.....</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--	--

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Annexure G

Confirmation of Employment Equity

To the extent that the *tenderer* falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the *tenderer* is required to furnish the *Employer* with proof of compliance with the **Employment Equity Act**, including proof of submission of the Employment Equity report to the Department of Labour. (South African *tenderers* only)

Are you currently employing more than 50 employees?

(indicate with a tick)	
Yes	No

If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed

Date


Name

Position

tenderer

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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 interest¹ 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 State Institution

¹ 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;

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 consortium² 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,

² 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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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.

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 Development & Localisation (SDL&I) Undertaking

Business Unit	Transmission
Description/ Scope of Work	Provision of land surveying services panels for the transmission division on an "as and when required" basis from the start date until 30 June 2027
Duration of the Project	From start date until 30 June 2027
Name of Buyer	Godfrey Radzelani


Section 1: Pre-qualification Criteria for Preferential Procurement

SDL&I will apply the following pre-qualification criteria as envisaged in PPPFA 2017 regulation 4

<p>a) Minimum BBBEE status level of contributor?</p> <p>If Yes, what is the BBBEE status and/or level required</p>	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
<p>b) Is there BBBEE category targeted for this enquiry?</p> <p>If Yes, BBBEE category</p>	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
<p>Tender Returnable if the above elements are requirements;</p> <ul style="list-style-type: none"> Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV. 							
<p>c) Minimum subcontracting requirement for this?</p> <p>If Yes, what is the minimum percentage?</p>	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
<p>Tender Returnable if the above element is a requirement;</p> <ul style="list-style-type: none"> Proof of a sub-contract agreement/s must be submitted. Sub-contractor/s B-BBEE certificate / sworn affidavit must be submitted. Sub-contracting agreements can only be concluded with one of the following entities; an EME or QSE which is at least 51% owned by black people; an EME or QSE which is at least 51% owned by black people who are youth; an EME or QSE which is at least 51% owned by black people who are women; an EME or QSE which is at least 51% owned by black people with disabilities; 							

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- an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships;
- a cooperative which is at least 51% owned by black people;
- a EME or QSE which is at least 51% owned by black people who are military veterans

Section 2: Mandatory Requirements

- Not Applicable

2.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				

Section 3: SDL&I Undertaking

Tenderers who complete and submit the undertaking as required, but who do not meet Eskom's targets, will not be disqualified. SDL&I undertakings do not form part of scoring but commitments will form part of contractual obligations

1. **Jobs:** Tenderers are required to submit proposals for the type and number of jobs that will be created and retained as a direct result of being awarded a contract.

Number of Jobs to be created	Number of Jobs to be retained

2. **B-BBEE** - Suppliers will at a minimum be expected to maintain or improve their B-BBEE status for the duration of the contract.


3. **Skills Development**

Tenderers are required to develop skills in the following fields;

Category	Eskom's target	Supplier 's proposal
Learnership	10	

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Note: Targets for skills development will be determined at task order level depending on the duration and budget of the order allocated.

Section 4: SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

This option will apply for SDL&I performance security:

- For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon fulfilment of all SDL&I obligations at the end of the contract.

Section 5: Reporting and Monitoring

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award.

Section 6: General Information on Validity of Sworn Affidavits

The following must be considered when it comes to validity of Affidavits;

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

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- 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. Furthermore the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

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