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**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**


**THE SUPPLY AND DELIVERY OF VARIOUS FGD MILLS SPARES AT KUSILE POWER STATION**

<b>Tender number</b>	<b>MPKUS10432GX</b>
<b>Issue date</b>	<b>02 September 2022</b>
<b>Closing date and time</b>	<b>22 September 2022 at 10h00</b>
<b>Tender validity period</b>	<b>120 days from the closing date and time</b>
<b>Clarification meeting</b>	<b>Not applicable</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>Eskom Holdings SOC Limited</b> <b>The Tender Advice Centre – Tender box at</b> <b>Main Reception Area</b> <b>10 Smuts Avenue,</b> <b>Witbank, 1035</b>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for the supply and delivery of various FGD mills spares at Kusile Power Station

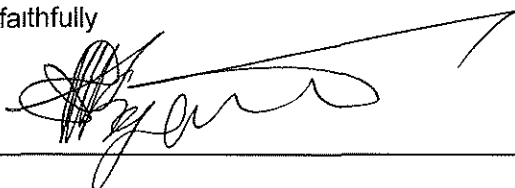
The enquiry documents are supplied to you on the following basis

- Free of charge

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

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

Yours faithfully



Matshidiso Kgafane


Procurement Manager

Date: 01/09/2022

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The following documents listed hereunder are attached to this enquiry

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6 1	*Acknowledgement form	Annexure A	Yes
6 2	*Tenderer's particulars	Annexure B	Yes
6 3	* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Yes
6 4	CPA Requirements for Local Goods/Services	Annexure D	No
6 5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	No
6.6	SBD 6 2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included)  Annexure C-Local Content Declaration-Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Yes
6 7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
6.8	SBD 6 1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Yes
6 9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE <b>[only to be attached for services type of contracts]</b>	Procurement Practitioner to download from Hyperwave	No
6 10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable )	To be obtained from SDL&I)	Yes

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](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>Sebotso L Maepa</b>  E-mail: <a href="mailto:maepasl@eskom.co.za">maepasl@eskom.co.za</a></p>
1.3 Enquiry documents	<p>The Invitation to tender is <b>MPKUS10432GX</b></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> <ol style="list-style-type: none"> <li>1. An open Invitation to tender</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract. 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.</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 <b>ineligible</b> to submit a <b>tender</b> if:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Tenderers submit more than one tender/proposal either individually or as a partner in a joint venture (JV) or consortium.</li> <li>• [Tenders/proposals] 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.</li> <li>• 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</li> </ul>

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	<p>considered to have a conflict of interest with one or more parties in this tendering process, if</p> <ul style="list-style-type: none"> <li>o (a) they have a controlling partner/majority shareholder in common; or</li> <li>o (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;</li> </ul> <ul style="list-style-type: none"> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• 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</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for <b>Tender</b> submission is</p> <p>Date: <b>22 September 2022</b></p> <p>Time: <b>10H00</b></p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address</p> <p><b>THE TENDER OFFICE GROUND FLOOR NO.10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b></p>
2.9 Copy of original tender	<p>Eskom requires that the tenderer must submit the tender as a complete original tender, plus one (1) identical copy of the original tender at tender submission deadline.</p> <p>Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format</p> <p>The original and complete hard copy of the tender must clearly be divided into the following sections.</p> <p>Commercial &amp; SDL&amp;I (as per commercial and SDL&amp;I tender returnables) Technical (as per technical returnables) SHEQ (as per SHE&amp; Quality returnables)</p> <p>Where a Tenderer does not submit 1 an original &amp; plus one (1) identical copy of the tender at tender submission deadline, the Tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is <b>120 days</b>
2.16 Site/clarification meetings	Not applicable

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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 <b>5 working days</b> before the deadline for tender submission.</p> <p>All inquiries MUST be done on email (Maepasl@eskom.co.za)</p>						
2.23 Alternative tenders	Not applicable						
2 25 Conditions of contract	The conditions of contract will be the <b>NEC3 Supply Short Contract</b> .						
2 31 Provision of security for performance	Not applicable						
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 <b>not be read out</b> .						
3 9 Basic Compliance	<p>Basic compliance for this invitation to tender/Request for proposal 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</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA . . . )</li> </ul>						
3.10 Mandatory tender returnables	<b>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.</b>						
3 11 Pre-qualification criteria	Not applicable						
3 12 Designated materials and thresholds	Not applicable						
3.13 Functionality requirements	<p>Functionality requirements <i>are applicable</i> The following criteria will be applicable for this transaction under functionality criteria.</p> <table border="1"> <thead> <tr> <th>Criteria</th><th>Weight</th></tr> </thead> <tbody> <tr> <td>Technical</td><td>100%</td></tr> <tr> <td>Threshold</td><td>70%</td></tr> </tbody> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>	Criteria	Weight	Technical	100%	Threshold	70%
Criteria	Weight						
Technical	100%						
Threshold	70%						
3 15 Evaluation of price	<p>Prices will be evaluated as follows.</p> <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• <b>Making the specified correction for arithmetical errors (Should arithmetical errors be found and corrected in terms of the prices, the Procurement Practitioner notifies the supplier of the applied corrections and requires that the supplier accept the corrections in writing, or that the tender will be withdrawn. The Procurement Practitioner does not permit the supplier the opportunity to stand by the uncorrected price or offer a new revised price.)</b></li> <li>• Excluding contingencies in any bill of quantities or activity schedule</li> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the</li> </ul>						

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	<p>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</p> <ul style="list-style-type: none"> <li>• Unconditional discounts must be taken into account for evaluation purposes;</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ul> <p>Prices will be scored out of 90 points</p>
3 17 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20).
3 18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder] - <ul style="list-style-type: none"> <li>• 80/20</li> </ul>
3.19 Objective Criteria	Objective criteria <b>not applicable</b>
Contractual Requirements (if applicable)	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> <li>• Any other as stipulated</li> </ul> <p><b>Please Note:</b> 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)	<i>Not applicable</i>

**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.**

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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;

### 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>	One (1) original tender and plus one (1) copy of the original tender	✓	
<b>NEC/FIDIC Documentation</b>	Completed NEC/FIDIC pricing schedule	✓	
<b>Pre-qualification criteria</b>  <b>Please Note that :</b> “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	“Proof of B-BBEE status level of contributor” for main contractor		✓
	CSD number		✓
	“Proof of B- BBEE status level of contributor” for sub-contractor belonging to designated group	N/A	
	Any other supporting documents to verify the status of the main contractor or sub-contractor( as may be stipulated in 3.11)	N/A	

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submission deadline or deemed invalid; , the respective tenderer must be disqualified			
<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 for local goods/services	N/A	
<b>Annexure E</b>	CPA(IG) for imported goods/services	N/A	
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E		✓
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline		✓
<b>Annexure H</b>	SBD 6 1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
Supplier Development & Localisation Undertaking	As per the SDL&I 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.	✓	
	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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<b>**“proof of B-BBEE status level of contributor” means:-</b> <b>(a) the B-BBEE status level certificate issued by an authorised body or person; or</b> <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b> <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b>	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)  Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance		✓  <b>This can still be submitted with the tender</b>
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
<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		✓

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		Department of Labour (South African tenderers only)		
<b>CIDB Please note.</b> That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders			N/A	
<b>Additional documents required (ECSA/ SACPCMP /CVs/permits /licenses/ specific registration documents</b>			N/A	
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</b>				
<b>Safety</b>	<ul style="list-style-type: none"><li>• Annexure B</li><li>• OHS plan / OHS manual</li><li>• Baseline OHS risk assessment</li><li>• H&amp;S management costing</li><li>• Proof of OHS competency</li><li>• Valid letter of good standing or equivalent</li><li>• OHS policy (must be signed)</li></ul>			✓
<b>Quality</b>	<ul style="list-style-type: none"><li>• 240-12248652 Category2- List of Tender Returnables Documents Rev 6</li><li>• 240-105658000 Supplier QM Spec Rev 3-QM 58</li><li>• 240-109253302 _ Quality Control Plan or Inspection Test Plan (QCP or ITP) rev 2</li><li>• 240-68099512 Form A</li><li>• 240-109253698 CQP Template- Rev 3</li></ul>			✓
<b>Environmental</b>	<ul style="list-style-type: none"><li>• Environmental Policy</li><li>• Aspect and impact register or an environmental management plan (relevant to the scope of work)</li><li>• Environmental Management System Certificate (if certified) if not, an environmental management system manual or procedures</li><li>• Waste Management Plan</li></ul>			✓
<b>Due Diligence</b>	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
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>				
Technical (required for functionality scoring)		As stipulated on the technical criteria	✓	

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## TENDER TECHNICAL EVALUATION STRATEGY

### Technical Evaluation Threshold


The minimum qualifying score for functionality is 70% All the tenders that fail to achieve the minimum qualifying score on functionality shall not be considered for further evaluation on price and B-BBEE

	Qualitative Technical Criteria Description		Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
<b>1.</b>	<b>Technical Information</b>			<b>80</b>	
	1 1	The <i>Contractor</i> shall provide proof of supply of Pumps and/or strategic spares in the form of Purchase Orders (minimum of 5 required)	Proof of orders	Mitigation of Risks	40
	1 2	Manufacturing and/or performance/Technical information Provide data sheets containing critical information such as but not limited to Equipment sizes (length, height, width, Weight, etc) <ul style="list-style-type: none"> <li>• Equipment chemical composition (Material Composition)</li> <li>• Classification</li> <li>• Equipment performance (Curves, Specification etc)</li> </ul> Design and Operation conditions and ranges i.e Temperatures, etc	Provide data Sheets for each item as per Scope of Work line item		40
<b>2.</b>	<b>Delivery Times</b>			<b>20</b>	
	2 1	Supplier confirmation letter for delivery times as per each line item as per SOW	Provide a letter	Mitigation of Risks	20
				<b>TOTAL:</b>	
				<b>100</b>	

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## SUPPLIER DEVELOPMENT & LOCALISATION (SDL&I) UNDERTAKING

Business Unit	Kusile Power Station
Description/ Scope of Work	The supply and delivery of various FGD mills spares

### Section 1: Pre-qualification Criteria

Failure to meet Pre-qualification at tender stage will lead to disqualification

#### 1.1 Minimum BBBEE status level of contributor?

If Yes, what is the BBBEE status and/or level required

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

#### 1.2 Is there BBBEE category targeted for this enquiry?

If Yes, BBBEE category

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

Tender Returnable if the above elements are requirements,

- 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

#### 1.3 Minimum subcontracting requirement for this?

If Yes, what is the minimum percentage?

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

Tender Returnable if the above element is a requirement,

- Letter of intent or any other requested document indicating commitment and the percentage required must be submitted as a tender returnable
- Sub-contracting can only be concluded with 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,
  - 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 Compliance for Contract Award

The following requirements are mandatory compliance for contract award and submissions can be clarified during evaluations or negotiated before contract is awarded

#### 2.1 Local Content Designation

a) Is this Commodity or part of it a Designated Sector?

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

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
Not applicable		


#### 2.2 CIDB Skills Development

YES	NO
-----	----

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<b>a) Is there CIDB compulsory training?</b> If Yes, what is the % of the Construction Skills Development Goal % (CSDG) If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets		<input type="checkbox"/>	<input checked="" type="checkbox"/>									
<table border="1"> <thead> <tr> <th>Criteria</th> <th>Eskom Target</th> <th>Tenderer Commitment</th> </tr> </thead> <tbody> <tr> <td>CSDG Percentage</td> <td>N/A</td> <td></td> </tr> <tr> <td>Description</td> <td>N/A</td> <td></td> </tr> </tbody> </table>		Criteria	Eskom Target	Tenderer Commitment	CSDG Percentage	N/A		Description	N/A			
Criteria	Eskom Target	Tenderer Commitment										
CSDG Percentage	N/A											
Description	N/A											
<b>2.3 BBBEE Compliance</b>												
<b>Is there minimum BBBEE level targeted?</b> If Yes, what is the BBBEE status targeted for this transaction (contractor/s will be required to submit plans to achieve the target level if not met at contract award)		<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BBBEE Recognition level 1-4					
YES	NO											
<input type="checkbox"/>	<input checked="" type="checkbox"/>											
<b>2.4 Local Procurement Content</b> Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spend minus the imported component.												
<table border="1"> <thead> <tr> <th>Local Procurement Content</th> <th>Eskom Target</th> <th>Tenderer Proposal</th> </tr> </thead> <tbody> <tr> <td></td> <td>100%</td> <td></td> </tr> </tbody> </table>		Local Procurement Content	Eskom Target	Tenderer Proposal		100%						
Local Procurement Content	Eskom Target	Tenderer Proposal										
	100%											
<b>2.5 Subcontracting Requirements</b>												
<b>Is there a requirement for subcontracting?</b> If Yes, what is the targeted subcontracting percentage		<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not feasible					
YES	NO											
<input type="checkbox"/>	<input checked="" type="checkbox"/>											
<b>2.6 Enterprise Development</b>												
Are there specific ED requirements? (This ED intervention can either be separate or additional to subcontracting requirements, but duplication should be avoided)		<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
YES	NO											
<input type="checkbox"/>	<input checked="" type="checkbox"/>											
If Yes, the main contractor is required propose development in the following areas or against the following Eskom's targets:												
<table border="1"> <thead> <tr> <th>Eskom's Target</th> <th>Tenderer Proposal</th> </tr> </thead> <tbody> <tr> <td>100</td> <td></td> </tr> </tbody> </table>		Eskom's Target	Tenderer Proposal	100								
Eskom's Target	Tenderer Proposal											
100												
<b>2.7 Subcontracting Requirements</b>												
<b>Is there a requirement for subcontracting?</b> If Yes, what is the targeted subcontracting percentage		<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not feasible					
YES	NO											
<input type="checkbox"/>	<input checked="" type="checkbox"/>											
<b>2.8 Enterprise Development</b>												
Are there specific ED requirements? (This ED intervention can either be separate or additional to subcontracting requirements, but duplication should be avoided)		<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
YES	NO											
<input type="checkbox"/>	<input checked="" type="checkbox"/>											

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If Yes, the main contractor is required propose development in the following areas or against the following Eskom's targets

Eskom's Target	Tenderer Proposal
100	

### 2.9 Skills Development

Eskom reserves the right to negotiate with the tenderer on Eskom's requirements. The outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition.

Skills development is designed to benefit the currently unemployed graduates from school, further education and training campuses and universities.

The composition of these candidates must be representative of the population demographics of South Africa. Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners.

It is expected that the total of 6 individuals will benefit through courses stipulated below (if the budgeted value for this service is utilized) over the period of 3 years. This is how it will be applied:

- ✓ Successful tenderer will be obligated to **skill one** candidate for every **R9 Million** spend cumulatively through purchase orders/instructions awarded to the supplier.
- ✓ This obligation will be for the duration of the contract; however, the supplier needs to demonstrate positive progress on a monthly basis.
- ✓ Candidates shall be sourced from previously disadvantaged groups in South Africa, particularly at the site where the services will be taking place.

**Tenderers are required to propose against the following training initiatives:**

Skills type	Intake	Eskom allocation target	Tenderer proposal
N/A			

**Note:** The supplier will be required to take matriculants who are unemployed, enroll them to do a national diploma in Artisan Mechanical /Fitter/ Technical Engineer for at least 12 to 18 months, then give them work experience for 12 months thereafter. As for supply and delivery, the supplier will take unemployed dropped-out FET students and enroll them.

### Section 3: 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.

**One of the following options 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.
- Alternatively, the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.
- Panels- Eskom will apply 2.5% retention on every invoice (excluding VAT) after all cumulative task orders awarded to the Contractor/Service Provider that have reached a stipulated threshold as security for the fulfilment of the SDL&I obligations.

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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 \_\_\_\_\_

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/RFP 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: \_\_\_\_\_

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

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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


- 8.5 If yes to 8.4, please provide CSD number \_\_\_\_\_
- 8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_
- 8.5 Which designated group does the sub-contractor belong to.-
  - a. Black people
  - b. Black people who are youth
  - c. Black people who are women
  - d. Black people with disabilities
  - e. Black people living in rural or underdeveloped areas or townships
  - f. Cooperatives which are 51% owned by Black people
  - g. Black people who are military veterans

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

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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	
-----	--	----	--

#### A. Single tenderers

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

#### B. Joint Ventures

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


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

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

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

*(Form to be completed and signed by supplier/tenderer as Invitation to Tender returnable)*

#### **1. DECLARATION OF INTEREST**

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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s* (including its employees/contractors/directors/members/ shareholders) on whose behalf the tender documents are signed, is in some other way "related" to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation "Related" meaning that.-
  - an individual is related to another individual if they are married, or live together in a relationship similar to marriage,
  - or are separated by no more than two degrees of natural or adopted consanguinity or affinity,
  - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of "control" (as per Companies Act section 2(1) ), and
- a **juristic person is "related" to another juristic person if :-**
  - 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) ),
  - either is a subsidiary of the other, or
  - 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 (e.g. employee / Director / member / owner /shareholder)	Identity Number	Confirm and provide details (including employee number) if you are a State/State owned entity	Full Names & Capacity/Position of Eskom employee / director/	To your knowledge is this person involved in
---	--------------------	---	--	--

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		employee / contractor/ director.	consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)	the evaluation/ adjudication/ negotiation of tenders

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

This serves as a declaration that when goods/services are being procured, all reasonable steps have been taken to address and/or prevent the exploitation of the procurement process and the use of any unfair tendering practices. A **tender** 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
1.1	<p>Is the <i>tenderer/s</i>(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b>Please 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].</b></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	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)  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> )		
1 3	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1 3 1	Provide details		
1 4	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1 5	Is there any history/record of the <i>tenderer/s (or any of its directors/ members/ shareholders)</i> failing to meet their contractual obligation with any SOC?		

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 )

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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.

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


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

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## **ANNEXURE F1**

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286.2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)]

#### **1. General Conditions**

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

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

Where

x is the imported content in Rand

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

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

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

1.6 A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods	Stipulated minimum threshold
_____	_____ %
_____	_____ %
_____	_____ %

3 Does any portion of the goods or services offered have any imported content?  
(Tick applicable box)

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

3 1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1 5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	


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

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

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

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

**IN RESPECT OF BID NO.** .....

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

**NB**

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

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


- The facts contained herein are within my own personal knowledge
- I have satisfied myself that:
  - the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286 2011, and
  - The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4 1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
------------------------------	---

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Imported content (x), as calculated in terms of SATS 1286 2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286.2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**  
**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286.2011

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286.2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No 5 of 2000)

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_


**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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## ANNEXURE G

### PART A INVITATION TO BID


### SBD 1

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER	MPKUS10432GX	CLOSING DATE:	22 September 2022	CLOSING TIME:	10:00
DESCRIPTION	THE SUPPLY AND DELIVERY OF VARIOUS FGD MILL SPARES				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Eskom Holdings SOC Limited The Tender Advice Centre – Tender box at Main Reception Area 10 Smuts Avenue, Witbank, 1035					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<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>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

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DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ NO

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

## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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


SIGNATURE OF BIDDER ..... Date .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

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## Annexure H

## SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value above R10 000 000 (all applicable taxes included).
- 1.2
- a) The value of this bid is estimated do not exceed R10 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable, or
- 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
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where


$P_s$  = Points scored for price of bid under consideration

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Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

#### 5. BID DECLARATION

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

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

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7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted .....%?

ii) The name of the sub-contractor ..... .

iii) The B-BBEE status level of the sub-contractor ..... .

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

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

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

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

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- ☐ 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,
- 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

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to such cancellation;

- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied, and

- (e) forward the matter for criminal prosecution

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