	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

The provision of Oil Spillage clean-up, involving soil remediation, clean-up of oil trays and spills on concrete area, surface water, including the disposal of Oil contaminated waste within Limlanga Cluster on an “as and when” required basis over a period of 5 years

Tender number	LP0091TB
Issue date	05 October 2022
Closing date and time	26 October 2022 at 10h00
Tender validity period	12 weeks <i>from the closing date and time</i>
Clarification meeting	A clarification meeting will be held via Microsoft Teams on; 12 October 2022 at 14h00 Click here to join the meeting (Control Click to follow link)
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Holding SOC Ltd The Tender Office Limlanga Cluster -Limpopo Millennium Building 90 Hans Van Rensburg Street Polokwane

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender for the provision of the required scope of work in Limlanga Cluster on an as and when required basis.*

The provision of Oil Spillage clean-up, involving soil remediation, clean-up of oil trays and spills on concrete area, surface water, including the disposal of Oil contaminated waste within Limlanga Cluster on an “as and when” required basis over a period of 5 years

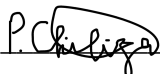
The enquiry documents are supplied to you on the following basis:

- Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender/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).

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

Yours faithfully




Pumezile Makeba

Procurement Manager Limlanga Cluster– Mpumalanga

Date: 05 October 2022

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1.1 The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
1.1.1	*Acknowledgement form	Annexure A	Yes
1.1.2	*Tenderer's particulars	Annexure B	Yes
1.1.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Yes
1.1.4	CPA Requirements for Local Goods/Services	Annexure D	Yes
1.1.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Not applicable
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F Including FI, F2, F3 and F4 forms	Yes
1.1.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Yes
1.1.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Yes
1.1.9	Standard Bidding Document (SBD4).	Annexure I	Yes
1.1.11	Supplier Development & Localisation (SDL&I) Undertaking	Annexure J	Yes
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Attached separately	Yes
1.1.12	Reverse e-auction training acknowledgement form (if applicable)	Not applicable	No
1.1.13	Reverse e-auction process (if applicable)	Not applicable	No
1.1.14	Contract Skills Development Goals (CSDG) [if applicable]	Not applicable	No
1.1.15	Contract Participation Goals (CPG) [if applicable]	Not applicable	No

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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: Teresa Bronkhorst Tel: 011 709 3700 E-mail: BronkhTB@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: LP0091TB See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is: An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract only.</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> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV or consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A

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	<p>Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:</p> <ul style="list-style-type: none"> ○ (a) they have a controlling partner/majority shareholder in common; or ○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process. <ul style="list-style-type: none"> • Tenders signed by non- authorized persons. • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers). • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations. • Any tenderer that is restricted by National Treasury. • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for <i>Tender</i> submission is: Date: 26 October 2022 Time 10h00 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>Eskom Holding SOC Ltd The Tender Office Limlanga Cluster -Limpopo Millennium Building 90 Hans Van Rensburg Street Polokwane</p> <p>CLEARLY MARKED: CONFIDENTIAL TENDER NO: LP0091TB NOTE: No emailed or faxed tenders will be accepted. Tenders must be hand delivered to the above address.</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) exact hard copy of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit one (1) exact 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 12 weeks.</p>

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2.16 Site/clarification meetings	A clarification meeting will be held via Microsoft Teams on; 12 October 2022 at 14h00 Click here to join the meeting (Control Click to follow link)
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 03 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <i>not allowed</i>
2.25 Conditions of contract	Applying: NEC3 Term Services Short Contract (TSSC3) conditions.
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. Tenders will be opened on: Place: Eskom Holding SOC Ltd The Tender Office Limlanga Cluster -Limpopo Millennium Building 90 Hans Van Rensburg Street Polokwane Date: 26 October 2022 Time: 10h00
3.5 Prices to be read out	Prices <i>will not be read out.</i>
3.9 Basic Compliance	Step 1: Basic compliance for this invitation to tender are: <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer. • Submit one (1) exact hard copy of the original tender to Eskom. • Submission of the mandatory commercial and technical tender returnable documents as at stipulated deadlines. • Submitted proof of the registration on Central Supplier Database (CSD) number (MAA.....).
3.10 Mandatory tender returnables	Step 2: Functionality Commercial Mandatory Commercial tender returnable and required documents:

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	<ul style="list-style-type: none"> • A fully signed and completed NEC3 Term Services Short Contract document. • Acceptance of the standard rates schedule within the NEC3 Term Services Short Contract (TSSC). • Declaration of Shareholding and Directorship - The tenderer must submit (Companies and Intellectual Property Commission (CIPC). • DOIs Verified – submit completed and signed Integrity Pact Declaration/Supplier declaration of interest. • Submitted proof of the registration on National Treasury's Central Supplier Database (except Foreign Suppliers / Central Supplier Database (CSD) or number MAAA (.....)). • Submit fully completed and signed SBD 1 as included in the invitation to tender document. • Submit fully completed and signed SBD 6.1: Preference Points Claim Form in terms of PPPFA 2017 regulations as included in the invitation to tender document. • Submit completed Standard Binding Document (SBD4). • Submit completed and signed Non-Disclosure Agreement (NDA). • Companies are to provide SANAS accredited B-BBEE if not Affidavit. • Non-responsive/Unacceptable tenders will be disqualified, and all the responsive tenders will be evaluated further. <p>Functionality Technical Mandatory Technical returnables The (technical) mandatory minimum threshold is 85 points. The technical returnables must be contained in a separate technical file or as a section in a file labelled technical and indexed in a logical manner. Refer to the technical evaluation sheet attached and referenced below:</p> <p>Previous experience in works of similar scope: The scoring is as follows: Item 1 – scored out of 30, either 30, 20 or 10 points</p> <ul style="list-style-type: none"> - 30 or more relevant projects successfully completed of similar scope of work = 30 points. - 20 or more relevant projects completed of similar scope of work = 20 points. - 15 relevant projects completed of similar scope = 15 points. <p>Item 2 – scored out of 20.</p> <ul style="list-style-type: none"> • Method statements followed for remediating spillages, including chemicals and equipment (Method statement to
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	<p>include how in-situ and ex-situ remediation will be undertaken as well as the environmentally related legal requirements).</p> <p>Item 3 – scored out of 20.</p> <ul style="list-style-type: none"> Competency training for oil spill response and clean-up (remediation) in undertaking oil spill remediation e.g., Hazmat certificate or related oil spill & clean-up of spill certificate. Certificates for all site supervisors in the company. <p>Item 4 - Waste transporter requirements:</p> <p>4.1 Waste transporter license / Registration with Municipality or Provincial department to transport waste – out of 10.</p> <p>4.2 Copies of vehicles authorized to transport waste e.g., TREM cards for vehicles to be used, appropriate signage – out of 10.</p> <p>4.3 Training certificate for Conveying Dangerous Goods by Road (accredited by SAQA) – out of 10.</p> <p>Total number of points for Technical adds up to 100 points, the minimum of 85 points is required.</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>										
3.11 Pre-qualification criteria	Pre-qualification criteria <i>is not applicable</i>.										
3.12 Designated materials and thresholds	<p>Designated material thresholds id applicable</p> <p>:</p> <table border="1"> <thead> <tr> <th>Material</th><th>Threshold %</th></tr> </thead> <tbody> <tr> <td>Textile</td><td>100%</td></tr> <tr> <td>Clothing</td><td>100%</td></tr> <tr> <td>Leather</td><td>100%</td></tr> <tr> <td>Footwear (PPE)</td><td>100%</td></tr> </tbody> </table>	Material	Threshold %	Textile	100%	Clothing	100%	Leather	100%	Footwear (PPE)	100%
Material	Threshold %										
Textile	100%										
Clothing	100%										
Leather	100%										
Footwear (PPE)	100%										
3.13 Functionality requirements	<p>Functionality requirements is applicable.</p> <p>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 Threshold</td><td>85%</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 Threshold	85%						
Criteria	Weight										
Technical Threshold	85%										
3.15 Evaluation of price	<p>Step 3 –Price and Preference Evaluation:</p> <p>Price and preference will be applied as follows:</p> <ul style="list-style-type: none"> Standard rates are applicable, and it is a mandatory requirement for contractors to accept the rates. All contractors that qualify will be awarded 80 points. 										

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<ul style="list-style-type: none"> Contractors will then receive the 20 points for B-BBEE. <p>POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR</p> <p>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:</p> <table border="1"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr> </thead> <tbody> <tr><td>1</td><td>20</td></tr> <tr><td>2</td><td>18</td></tr> <tr><td>3</td><td>14</td></tr> <tr><td>4</td><td>12</td></tr> <tr><td>5</td><td>8</td></tr> <tr><td>6</td><td>6</td></tr> <tr><td>7</td><td>4</td></tr> <tr><td>8</td><td>2</td></tr> <tr><td>Non-compliant contributor</td><td>0</td></tr> </tbody> </table> <p>Should more than 8 contractors be tied in scoring the following will be applied to achieve the required 6 service providers:</p> <ul style="list-style-type: none"> If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points for B-BBEE, the contract must be awarded to the tenderer that scored the highest points for functionality. If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE. If two or more tenderers score equal points in all respect, the award must be decided by the drawing of lots. <p>CRITERIA FOR BREAKING DEADLOCK IN SCORING IN ACCORDANCE WITH PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 5 of 2000: PREFERENTIAL PROCUREMENT REGULATIONS, 2017 IS AS FOLLOWS:</p> <p>Section 18</p> <p>18.1) In the event that two or more tenders have scored equal total points, the successful tender must be the one scoring the highest number of preference points B-BBEE.</p> <p>18.2) However, when functionality is part of the evaluation process and two or more tenders have scored equal points including equal preference points for B-BBEE, the successful tender must be the one scoring the highest score for functionality.</p>		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
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																				

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	<p>18.3) Should two or more tenders be equal in all respects; the award shall be decided by the drawing of lots.</p> <p>Eskom Holdings SOC Ltd reserves the right to award a tender to a supplier who may not be the highest scoring or highest ranked supplier in line with Section (2)(1)(f) of the PPPFA.</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified. The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE status/level (out of 20).</p>
3.18 Ranking of tenders	<p>The successful tenderers after Price and B-BBEE of the evaluation process will be evaluated further on contractual requirements. The number of tenderers required will be selected after contractual requirements based on the highest preference points from Step 3 (Price and Preference) above.</p>
3.19 Objective Criteria (if applicable)	<p>Objective criteria are no longer applicable, however some Commercial, SHEQ, Due diligence and SDL&I will form part of Contractual requirements.</p>
3.20 Reverse e-auction (if applicable)	<p>Reverse e-auction is not applicable</p>
Contractual Requirements	<p>Step 4 –Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> a) Commercial statutory documents and b) SHE requirements and c) Quality requirements. d) Environmental requirements. e) SDL&I <p>SHEQ evaluations Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</p> <p>The tenderer will be allowed 7 working days, to resubmit the contractual requirements that were not met after the tender submission.</p> <p>Tenderers failing to meet contractual requirements will be ineligible for contract award.</p>

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	<p>a) Commercial statutory documents</p> <ul style="list-style-type: none"> • Tax Compliance Status (TCS) e-filing PIN from SARS. • Valid Original certificate of good standing or proof of application issued by the Compensation Fund (Coid). • Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents. • Proof of National Treasury Central Supplier Database registration (CSD) that has a tax compliant status at award. • B-BBEE Certificates or Sworn Affidavits. • Compliance with Employment Equity Act. <p>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status.</p> <p>Paragraph 4.2 states that “where the recommended bidder is tax no-complaint, the bidder must be notified in writing of their non-compliant status and the bidder must be requested to submit written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations within 7 working days.”</p> <p>Should the recommended bidder fail to provide written proof of their tax compliance status in terms of the paragraph 4.2 above, then their submitted bid must be rejected.</p>
	<p>b) SHE Tender Requirements</p> <p>These OHS Legal requirements are generally a legal compliance and/or risk-related based criteria for which points will not be allocated but they need to be fully met by the contractors before tender award.</p> <p>Please take a note that all section A OHS requirements shall be submitted at the date and time of the tender inquiry closing.</p> <ul style="list-style-type: none"> • SHE Annexure C.

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	Annexure C 1: SHE Tender Returnable – Oil spill clean up	Template Identifier	240-43921898	Rev	5
		Document Identifier	240-77471651	Rev	2
		Effective Date	October 2016		
		Review Date	October 2023		

The following Minimum OHS -related requirements that bidders have to address and respond to when submitting their tender returnable are as follows:

Ref.	Eskom Health and Safety Requirements Checklist	Proof Required	
		Yes	No
Section A : OHS Legal Requirements to be met by Contractors at Tender Stage before contract award (Application of Responsive and Non Responsive Criteria)			
1.	2.1 Provide Baseline Risk Assessment (BRA), relevant to the scope of work which must address; <ul style="list-style-type: none">• Identification of SHE hazards, i.e. assessment of SHE risks related to the scope of work also inclusive of COVID 19 related risks The below criteria should be applied <ul style="list-style-type: none">• Consequence rating• Likelihood rating• Risk rating,• Mitigation measures 2.2 Provide the BRA Procedure with the methodology used for the risk assessment must be submitted.	✓	
2.	Valid Letter of Good Standing or equivalent, i.e. COID, FEMA or RMA. Your COID must depict the correct/ relevant nature of business,	✓	
3.	SHE policy signed by CEO/ MD – Should have the next review date, should comply with OHS Act Section 7 and must be in line with the current COVID-19 requirements	✓	
4.	Provide the following SHE Competency training certificates 4.1 First aiders level 2 4.2 Fire Fighting Training 4.3 HIRA Training / Risk basement training certificate	✓	
5.	5.1 Provide Employees/Driver's Medical fitness certificate 5.2 provide Employee/driver's and valid driver's licence	✓	
6.	Substance abuse procedure	✓	
7.	Vehicle management and driver safety procedure Including but not limited the inspection, and maintenance of vehicles used for business. Driver fitness and fatigue management	✓	


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	Annexure C 1: SHE Tender Returnable – Oil spill clean up	Template Identifier	240-43921898	Rev	5
		Document Identifier	240-77471651	Rev	2
		Effective Date	October 2016		
		Review Date	October 2023		

Ref.	Eskom Health and Safety Requirements Checklist	Proof Required	
		Yes	No
	Section B : OHS Eskom Tender Requirements to be met by Contractors (Non Disqualifying Criteria)		
8.	Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?	✓	
9.	Provide Company Incident Management Procedure – this shall also take into account COVID-19 Contact Management, reporting of positive cases and investigation thereof (Department of Health and Department of Employment directives shall be taken into consideration for guidance.	✓	

Scoring Criteria:

0 = Document not submitted OR submitted but does not satisfy the minimum requirements

1 = Document submitted and the content satisfy the minimum SHE requirements

Comments: first evaluation	1 st evaluation	2 nd evaluation (after 07 days)	Responsive /
Comments second evaluation (Within 07 working days)	Completed/ outstanding (tick)	Complete/ outstanding	None Responsive


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	<p>c) Quality Tender Requirements</p> <ul style="list-style-type: none"> • Completion and submission of Category 4 Quality Requirements. (inserted below) • Completion and submission of Contract Quality Plan. • Completion and submission of Method Statement. • Copy of Category 4 Quality Assessment Criteria. (inserted below) • 240-105658000 (QM58), Rev 3 for reference only. <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  240-12248652 (Rev 240-109253698 CQP </div> <div style="text-align: center;">  240-126469599 - </div> <div style="text-align: center;">  240-68099512 (Rev 7)_List of Tender ReTemplate 2021.docx </div> <div style="text-align: center;">  Method Statement 19) Form A Tender C </div> </div> <div style="margin-top: 10px;"> <div style="text-align: center;">  240-105658000 Supplier Quality Ma </div> </div>
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	Supplier Quality Management: List of Tender Returnables Documents	Unique Identifier	240-12248652
		Revision	7
		Effective Date	2022/01/26
		Specification	240-105658000
Category 4 : Quality Requirements	Deliverables to be evaluated indicator = 1		
SECTION A : Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body			
		Apply =1	
A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant		0	
A.2 Certificate by Approved and Authorized certification authority		0	
A.3 Certification Authority has Recognized International Accreditation		0	
A.4 Validity (expiry date) of certificate		0	
Section A Score Option 1		0	
SECTION A : Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001			
		Apply =1	
A.1 Quality Method statement based on scope.(Method Statement Template-Ref 240-126469599)		1	
A.2 Quality Policy Approved by top management.		1	
A.3 Quality Objectives Approved by top management.		1	
Section A Score Option 2		3	
SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)			
		Apply =1	
B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)		1	
B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)		1	
Section B Score		2	
SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)			
		Apply (Yes=1)	
NB! Draft Contract/Project Quality Plan has important QA deliverables		1	
Section C Score		1	
SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000) Customer specific requirements & other standards and required can be listed and evaluated here			
		Apply (Yes=1)	
E.1 Form A is completed and signed.		1	
Section E Score		1	
NAME OF ESKOM REPRESENTATIVE	A. Else		
DATE ISSUED	22.07.2022		
PROJECT: TENDER TITLE	Oil Spillage clean-up		
SIGNATURE			

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	(FORM A) TENDER & CONTRACT QUALITY REQUIREMENTS FOR 240-105658000 AND QUALITY REQUIREMENTS FOR ISO 9001 STANDARD	Document Identifier	240-68099512	Rev	9
		Effective Date	January 2022		
		Review Date	January 2027		

SECTION A (TENDERER)	ENQUIRY/ CONTRACT No:						
	ENQUIRY/ CONTRACT DESCRIPTION						
SECTION B (ESKOM)	CLAUSES OF 240-105658000 SPECIFICATION	CLAUDE DESCRIPTION				INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE	
	CLAUSE 3	PRE-CONTRACT AWARD QUALITY REQUIREMENTS				X	
	CLAUSE 4	(*Select Only Applicable Category). NB: Not more than one category must be selected. Also indicate whether site assessment is applicable.					
		Category 1 (refer to clause 3.5.2 of 240-105658000)				-	
		Category 2 (refer to clause 3.5.3 of 240-105658000)				-	
		Category 3 (refer to clause 3.5.4 of 240-105658000)				-	
		Category 4 (refer to clause 3.5.5 of 240-105658000)				X	
	CLAUSE 5	Main Supplier and Sub-supplier Capability and Capacity Assessment (refer to clause 3.6 of 240-105658000)				-	
		POST-CONTRACT AWARD					
		Contract Execution (refer to clause 3.7.1 of 240-105658000)				X	
	CLAUSE 6	Supplier Quality Performance Monitoring Phase (refer to clause 3.7.2 of 240-105658000)				X	
		STANDARD CONDITIONS					
		Eskom Rights of Access (refer to clause 3.8.1 of 240-105658000)				X	
		Eskom Rights to Information (refer to clause 3.8.2 of 240-105658000)				X	
		Preservation (refer to clause 3.8.3 of 240-105658000)				X	
		Quality Audits Related Conditions (refer to clause 3.8.4 of 240-105658000)				X	
		Management of Nonconformities and Nonconforming Outputs Identified by Eskom (refer to clause 3.8.5 of 240-105658000)				X	
		SPECIAL PROCESSES (REFER TO CLAUSE 3.8.6 OF 240-105658000)				X	
	SECTION C (ESKOM)	CLAUSES OF ISO 9001 STANDARD	ISO 9001 STANDARD CLAUDE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE	QUALITY PRINCIPLES	ISO 9001 STANDARD PRINCIPLE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE
		CLAUSE 4	Context of the Organisation	-	PRINCIPLE 1	Customer focus	X
CLAUSE 5		Leadership	-	PRINCIPLE 2	Leadership	X	
CLAUSE 6		Planning	-	PRINCIPLE 3	Engagement of people	X	
CLAUSE 7		Support	-	PRINCIPLE 4	Process approach	X	
CLAUSE 8		Operation	-	PRINCIPLE 5	Improvement	X	
CLAUSE 9		Performance Evaluations	-	PRINCIPLE 6	Evidence based decision making	X	
CLAUSE 10		Improvement	-	PRINCIPLE 7	Relationship Management	X	
SECTION D (ESKOM)	ESKOM'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE		
		A.Else	Sen Quality Adv	22.07.2022			
SECTION E (TENDERER)	TENDERER'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE		

Public

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File name: 240-68099512 (Rev 9) Form A Tender Contract Quality Requirements for 240-105658000 and Quality Requirements for ISO 9001 Standard

Template ID: 240-43921804 (Rev 7) Header and Footer portrait template


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File name: Invitation to tender Oil Spillage 2022.10.03 SQ.docx


Template ID: 240-43921804 (Rev 7) Header and Footer portrait template

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	<p>d) Environmental Tender Requirements</p> <ul style="list-style-type: none"> • Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement. • Eskom's Environmental Law certificate: Validity period - within 3 years), (required at contract execution) • Company Organogram, indicating the site supervisor or site supervisors. • Environmental Appointment letter of the employee responsible for environmental issues within the company. Appointment letter to be accepted and dated by the employee appointed. • Company's communication plan / procedure on what, how & when relevant environmental issues will be communicated. • Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details <p>Environmental Contract condition</p> <ul style="list-style-type: none"> • If an oil resurfaces within a month period, rework will be at the cost of the contractor. • Contractor (supervisor) to be authorised to conduct work at the substation. In addition, the CNC representative to be on site (at the substations) in order to ensure adherence to safety requirements (risk assessment) as well as site conditions. • Contractors who do not have competency training certificate, i.e., Environmental law or relevant training course (Internal Eskom training for Environmental Legislation) will be required to be trained prior to task order allocation). <p>  Environmental Objective Requirem (inserted on the next page) </p>
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		Effective Date	18 February 2022		
		Review Date	February 2027		

	Limlanga Cluster Environmental Requirements	Document Identifier	240 - 121690759	Rev	2
		Effective Date	22 July 2022		
		Review	July 2027		

Services Offered:	Oil Spillage clean-up
Name of Company	

OBJECTIVE REQUIREMENTS			SCORE		COMMENTS
			YES/NO	ACTUAL (1 OR 0)	
	Environmental Management System (EMS) Requirements				
1.	Environmental policy	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.		10	
2.	Valid Eskom's Environmental law certificate	Validity period - within 3 years), (required at contract execution)		10	
3.	Company organogram	Company Organogram, indicating the site supervisor or site supervisors		5	
4.	Environmental appointment letter	Appointment letter of the employee responsible for environmental issues within the company. Appointment letter to be accepted and dated.		5	
5.	Environmental Communication plan	Company's communication plan / procedure on what, how & when relevant environmental issues will be communicated.		5	

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File name: Oil Spillage Technical and Environmental requirements Aug 2022
Template ID: 240-43921804 (Rev 7) Header and Footer portrait template

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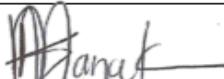
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		Review Date	February 2027		

	Limlanga Cluster Environmental Requirements	Document Identifier	240 - 121690759	Rev	2
		Effective Date	22 July 2022		
		Review	July 2027		

6.	Emergency preparedness plan (EPP)	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details		5	
9.	Environmental Management Plan (EMP) Requirements				
9.1	Access control			5	
9.2	Landowner Liaison			5	
9.3	Vegetation management			5	
9.4	Water management			5	
9.5	Waste management			5	
	Total: EMS and EMP			65	
	Score				

SIGNED

NAME	ADELINE MANAKE	DESIGNATION:	ENVIRONMENTAL MANAGER
SIGNATURE		DATE	25 August 2022

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File name: Oil Spillage Technical and Environmental requirements Aug 2022
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	e) Skills, development, localization and industrialization Eskom reserves the right to negotiate with the tenderer on Eskom's requirements.										
	The outcome of the negotiations will be a contractual obligation and tenderer's SDL&I undertaking will become a contractual condition.										
	<table><tr><th>Skills Type (Occupation) Local to South Africa</th><th>Target Number of Persons to be Trained</th></tr><tr><td>Waste Removal Artisan</td><td>1</td></tr><tr><td>Oil Spill Truck Driver</td><td>1</td></tr><tr><td>Safety Officer</td><td>1</td></tr><tr><td>Office Administrator</td><td>1</td></tr></table>	Skills Type (Occupation) Local to South Africa	Target Number of Persons to be Trained	Waste Removal Artisan	1	Oil Spill Truck Driver	1	Safety Officer	1	Office Administrator	1
Skills Type (Occupation) Local to South Africa	Target Number of Persons to be Trained										
Waste Removal Artisan	1										
Oil Spill Truck Driver	1										
Safety Officer	1										
Office Administrator	1										
	It is obligatory that 0.25% of the cumulative task order) value is to be committed on skills development. (see the SDL&I undertaking Appendix J.										

Please note:

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

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


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

“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
Mandatory Basic Compliance	<ul style="list-style-type: none"> Meet the eligibility criteria for a tenderer. The tenderer must submit the tender as a complete original tender, plus one (1) exact hard copy of the original tender at tender submission deadline. Submission of the mandatory commercial and technical tender returnable documents. Central Supplier Database (CSD) number (MAA.....). 	✓ ✓ ✓ ✓	
Mandatory Commercial tender returnables	<ul style="list-style-type: none"> Acceptance of the Applying: NEC3 Term Services Short Contract (TSSC3) conditions by signing the form of offer and acceptance within the NEC3 Term Services Short Contract (TSSC3) document or submitting a confirmation of acceptance in their company's letterhead. It should be noted that failure to submit the confirmation or deviation thereof will be deemed as an acceptance of the terms and conditions. Note - The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier. Acceptance of the standard rates within the NEC3 Term Services Short Contract (TSSC3). Declaration of Shareholding and Directorship - The tenderer must submit (Companies and Intellectual Property Commission (CIPC) company registration documents or CIPRO documents or any declaration of Shareholding and Directorship - in order for Eskom to assess any conflict of interest. 	✓ ✓ ✓	

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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
Mandatory Technical tender returnables (continued)	Previous experience in works of similar scope: The scoring as per below. Item 1 – scored out of 30, either 30, 20 or 10 points	✓	
	<ul style="list-style-type: none"> - 30 or more relevant projects successfully completed of similar scope of work = 30 points. - 20 or more relevant projects completed of similar scope of work = 20 points. - 15 relevant projects completed of similar scope = 15 points.0 	✓	
	Item 2 – scored out of 20.	✓	
	<ul style="list-style-type: none"> - Method statements followed for remediating spillages, including chemicals and equipment (Method statement to include how in-situ and ex-situ remediation will be undertaken as well as the environmentally related legal requirements). 	✓	
	Item 3 – scored out of 20.	✓	
	<ul style="list-style-type: none"> - Competency training for oil spill response and clean-up (remediation) in undertaking oil spill remediation e.g., Hazmat certificate or related oil spill & clean-up of spill certificate. Certificates for all site supervisors in the company. 		
	Item 4 - Waste transporter requirements:	✓	
	4.1 Waste transporter license / Registration with Municipality or Provincial department to transport waste – out of 10.		
	4.2 Copies of vehicles authorized to transport waste e.g., TREM cards for vehicles to be used, appropriate signage – out of 10.		
	4.3 Training certificate for Conveying Dangerous Goods by Road (accredited by SAQA) – out of 10.		
	Total number of points for Technical adds up to 100 points, the minimum of 85 points is required.		

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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
	SD & L Pre-qualification Criteria:	Not applicable	
Basic Compliance	One (1) hard copy of the original tender	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA(IG) for imported goods/services (if applicable)	Not applicable	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E NB! Please note that designated material for local content needs to be completed in full even when reverse e-auction is used	✓	
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I	Submit completed Standard Bidding Document (SBD4)	✓	
Annexure J	Supplier Development & Localisation (SD&L) Undertaking		✓
(DOI) Declaration of Interest (Attached separately in the Commercial + SDL&I folder)	Declaration of interest form	✓	
Non-Disclosure Agreement (NDA) (Attached separately in the Commercial + SDL&I folder)	Non-Disclosure Agreement NDA document to be completed, signed and submitted with the tender documents by tender submission deadline.	✓	
Company registration (CIPRO) and 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)	✓	

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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
NEC3 Documentation (Attached separately in the NEC3 + Standard rates folder)	Fully completed and signed NEC3 Term Services Short Contract (TSSC3) document and acceptance the Standard Rates within the NEC3 Term Services Short Contract (TSSC3).	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium (if applicable)	✓	
*B-BBEE Certificates or Sworn Affidavit (EME/QSE can submit either)	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. (if applicable)	✓	
	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) (if applicable)		✓
	* A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate depending on whether they are an incorporated/ unincorporated entity respectively. (if applicable)	✓	
Tax Evaluation Questionnaire (attached separately in the Commercial + SDL&I folder to complete and submit)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	✓	
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
CIDB	Valid proof of CIDB (Construction Industry Development Board) CIDB class level grading and higher - CRS number to be provided or completed accordingly on Annexure B "Tenderer's particulars	Not applicable	

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DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

Submit with tender document


Safety	Submission as per Safety Annexure C1 and Annexure B SHE Tender returnables. (Attached as part of the SHE tender pack)	✓	
Quality	Submission as per Quality 240-12248652 Category3- List of Tender Returnables (Attached as part of the Quality tender pack).	✓	
Environmental	Submission as per Environmental evaluation criteria. (Attached as part of the Environmental tender pack)	✓	
Due Diligence (Financial Statements)		Not applicable	

DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA

Technical (Attached as part of the Technical folder)	Submission as per attached Technical Evaluation document	✓	
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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1.	
2.	
3.	

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:


[Please select the relevant statement by ticking the appropriate box below]:

1. We agree to provide the cataloguing information as described in the *tender submission*.
☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous invitation to tender/RFQ number***]: ☐ _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐

4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position. ☐

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Invitation to Tender 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)	Not applicable
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	
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 MAAA_____
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.
4. You may register online at National Treasury website on www.treasury.gov.za

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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

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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 **25%** minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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.

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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

Note: This form must be fully completed, signed by supplier/tenderer and submitted as a mandatory returnable to the Invitation to Tender/RFP at tender closing. Failure to fully complete the form and/or submit relevant supporting documents and/or sign will result in the tender not being evaluated further.


1. DECLARATION OF INTEREST

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

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

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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 employee/contractor/ director.	Full Names & Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration.

2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____

2. DECLARATION OF FAIR TENDERING PRACTICES


This serves as a declaration that when goods/services are being procured, all reasonable steps have been taken to address and/or prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

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

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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/ shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
1.4	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		
1.5	<p>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?</p>		

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3.DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned, _____ [Position] _____ hereby declare that I am duly authorised representative of _____ to sign all documents in connection with this tender and any contract resulting from it on behalf of _____ [Name of Tenderer]

Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

Individuals:


Full Name	Identity Number	Shareholding Percentage

Other Entities*:

Full Legal / Trading Name	Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity

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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 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, and


I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

Signature:	
Designation and capacity in which signing:	
Date:	

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Joint Ventures

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

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

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and


I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

Signature:	
Designation and capacity in which signing:	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:


Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

6. CPA FIXED PORTION


A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:
The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published:

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The Cash Settlement or Cash Sellers Price

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

8. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.


Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity.
Buyers need to check and include the relevant indices.

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

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allowance is paid	Lead SEIFSA ,F, lead	SEIFSA, G, building and construction material		Or <ul style="list-style-type: none"> Intermediate Manufactured Goods OR SEIFSA Table U Producer Price Index (PPI) - final manufactured GOODS OR Intermediate Manufactured Goods
-------------------	--------------------------------	---	--	--

Table 2: Preferred Foreign Index List


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

Closing date of tender _____ / _____ / _____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

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

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

Where


x is the imported content in Rand

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

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

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

1.6. A bid may be disqualified if-


- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the 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).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

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2.9. “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. 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

Commodity	Components	Threshold
Textile		100%
Clothing		100%
Leather		100%
Footwear		100%

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

(Tick applicable box)

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

4..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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


5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

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

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5.1. If yes, provide the following particulars:

- (a) Full name of auditor: _____
- (b) Practice number: _____
- (c) Telephone and cell number: _____
- (d) Email address: _____

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. 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.

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

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

IN RESPECT OF BID NO. _____.


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

NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (ii) the declaration templates have been audited and certified to be correct.
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	Rate Based
Imported content (x), as calculated in terms of SATS 1286:2011	R0
Stipulated minimum threshold for local content (paragraph 3 above)	100%
Local content %, as calculated in terms of SATS 1286:2011	100%

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 13 of the Preferential Procurement Regulations, 2011 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 F2- _Local content Declaration-Summary Schedule (annex C)

Attached Separately in the Commercial + SDL&I folder

Annexure F3 - Imports Declaration-Supporting schedule to Annex C (annex D)


Attached Separately in the Commercial + SDL&I folder

Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)

Attached Separately in the Commercial + SDL&I folder

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	LP0091TB	CLOSING DATE:	26 October 2022	CLOSING TIME:	10h00
DESCRIPTION	The provision of Oil Spillage clean-up, involving soil remediation, clean-up of oil trays and spills on concrete area, surface water, including the disposal of Oil contaminated waste within Limlanga Cluster on an "as and when" required basis over a period of 5 years				


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 <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <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		
		<input type="checkbox"/>	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		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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 ONLINE
1.3. 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.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

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2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS


- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. 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 H

SBD 6.1

PREFERENCE POINTS CLAIM FORM

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.

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 below R50 000 000 (all applicable taxes included).

1.2

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

1.3 Points for this bid shall be awarded for:

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

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


	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

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3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid


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

- 4.1 In terms of Eskom Procurement and Supply Chain Management, 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

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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"/>
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be sub-contracted%
- 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 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		

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Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration
number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION


- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

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

WITNESSES

1.

2.


.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

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Annexure I

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, 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.

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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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 J

A Panel contract for the provision of Oil Spillage clean-up, involving soil remediation, clean-up of oil trays and spills on concrete area, surface water, including the disposal of Oil contaminated waste within Limlanga Cluster on an “as and when” required basis over a period of 5 years/

SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION UNDERTAKING:

Tenderers are required to make undertakings to advance designated groups through Local Procurement Content, skills development and job creation commitments.

The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award.

Tenderer's SDL&I undertaking will also become a contractual obligation.

1. Local Procurement Content

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 spending minus the imported component.

Local Procurement Content	Eskom Target	Tenderer Proposal
	100%	

2. Skills Development

It is obligatory that 0.25% of the cumulative task order value is to be committed on skills development.

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


Enterprise Development – Sub-contracting

There is an opportunity to subcontract certain portions of the scope to small Black owned contractors that are either EME's or QSE's. These will be negotiated with the successful tenderers prior contract award:

Support Description	Tenderer Proposal
- Waste Removal Artisan.	
- Oil spill Truck Driver	
- Safety Officer	
- Office Administrator	

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Job Opportunities

Tenderer to indicate number of Jobs to be created and/or retained from this contract.

Number of Jobs to be created	Number of Jobs to be retained
Tenderers to propose	

Other Initiatives - None

3. Job Creation

Tenderers are required to propose against the following Job Opportunities. Tenderers should indicate the number of jobs to be created as a direct result of this contract. While recruiting, the tenderer should prioritise people residing in the local communities.

Number of jobs to be created as a result of contract	Tenderers Proposal
Tenderer to propose	


Tenderer to also provide breakdown of jobs to be created and/or retained in this table:

Category	Jobs retained	Jobs to be created
Skilled		2
Semi-Skilled		2
Office		2
Total		6

Name of Contactor's Representative	
Designation	
Signature	
Date:	

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**Insert your fully completed and signed DOI declaration of interest here
(for attachment check the Commercial - SDL&I Folder)**

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Insert your fully completed and signed NDA after the DOI here

(for attachment check the (Commercial - SDL&I Folder)

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Insert your fully signed NEC3 (ECSC3) document here check the NEC3 + Standard Rates pricing schedule

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