

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	11
		<b>Effective Date</b>	18 February 2022		
		<b>Review Date</b>	February 2025		

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**

The provision of minor reticulation work for the connection of new and upgraded customers to the electrical networks on “as and when” basis. in Cape Coastal Cluster – Eastern Cape.	
<b>Tender number/ RFP number/</b>	<b>EC1034LS</b>
<b>Issue date</b>	<b>14 October 2022</b>
<b>Closing date and time</b>	<b>08 November 2022 at 10h00</b>
<b>Tender validity period</b>	<b>180 days from the closing date and time</b>
<b>Clarification meeting</b>	<p><b>26 October 2022 at 10h00am by Virtual MS Teams.</b>  <b>Interested Tenderers to send their email link to e-mail: subraml@eskom.co.za</b></p> <p><b>Clarification Meeting is compulsory</b></p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p><b>The Gatehouse</b>  <b>Sunilaws Office Park</b>  <b>Corner Bonza Bay Road &amp; Quenera Street</b>  <b>Beacon Bay</b>  <b>5201</b></p> <p><b>GPS Co-ordinates:</b>  <b>32° 57' 11.1"S</b>  <b>27° 56' 4.7"E</b>  <b>Attention: L Subramony</b></p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Construction and upgrade of MV & LV overhead and underground Lines in Cape Coastal Cluster – Eastern Cape

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/RFP]* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)).

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

Yours faithfully




Procurement Manager

(Full name and Designation)

Date: 14 October 2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read )	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	N
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F1	Y
	Annexure C-Local Content Declaration- Summary Schedule	Annexure F2	Y
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	
	Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F4	
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE <b>[only to be attached for services type of contracts]</b> .	Procurement Practitioner to download from Hyperwave	N
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	To be obtained from SDL&I)	N

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom Representative is:  Name: L Subramony  Tel: 043 703 2491  E-mail: subraml@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>EC1034LS</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to tender</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole/parts of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a [<b>tender/proposal</b>] if</p> <ul style="list-style-type: none"> <li>• Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>• Tenderers submit more than one [<b>tender/proposal</b>] either individually or as a partner in a joint venture (JV) or consortium</li> <li>• [<b>Tenders/proposals</b>] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> </ul>

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	<ul style="list-style-type: none"> <li>A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if: <ul style="list-style-type: none"> <li>(a) they have a controlling partner/majority shareholder in common; or</li> <li>(b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer or influence the decisions of the Employer regarding this bidding process.</li> </ul> </li> <li>Tenders signed by non- authorized persons</li> <li>Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations</li> <li>Any tenderer that is restricted by National Treasury</li> <li>A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:  Date 08 November 2022  Time 10h00  Late Tenders will not be accepted  Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p>THE TENDER OFFICE  The Gatehouse  Sunilaws Office Park  Corner Bonza Bay Road &amp; Quenera Street  Beacon Bay  5201</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	<p>The tender validity period is <b>180</b> days.</p>
2.16 Site/clarification meetings	<p>Clarification meeting will take place by Virtual MS Teams Meeting  Date: 26 October 2022  Venue: Microsoft TEAMS  Time: 10h00am</p> <p><b>Clarification Meeting is compulsory.</b></p>

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	<p>Tenderers must confirm their intention to attend with the Eskom Representative (Send e-mail link) stating the name, position, contact details of each proposed attendee.</p> <p>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</p>
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 <b>5</b> working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b><i>not allowed</i></b>
2.25 Conditions of contract	The conditions of contract will be the <b><i>NEC3 Engineering Construction Short Contract (ECSC3)</i></b>
2.31 Provision of security for performance	N/A – No Performance Bond required
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on:  Place: Sunilaws Office park, The Gatehouse  Date: <b>08 November 2022</b>  Time: 10h00</p>
3.5 Prices to be read out	Prices <b><i>will not be read out.</i></b>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submit one (1) hard copy of the original tender to Eskom</li> <li>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul> <p>Commercial:</p> <ul style="list-style-type: none"> <li>• Cover Sheet</li> <li>• Acknowledgement Form</li> <li>• Letter of Good Standing - COID</li> <li>• Tax Clearance certificate/Pin number</li> <li>• Business Registration Documents, ID Documents &amp; Shareholders declaration (Mandatory)</li> </ul>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in

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	the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.						
3.11 Pre-qualification criteria	<p>Pre-qualification criteria <b>[are applicable]</b></p> <p>The following mandatory pre-qualification criteria are applicable herein:-</p> <p>CIDB class code EP from grading 1 or higher.</p> <p><b>PPPFA Regulation 4 Prequalification Requirements</b></p> <p>EME/QSE B-BBEE Contributor Levels 1 and 2</p> <ul style="list-style-type: none"><li>Only <b><u>one document</u></b> of either a valid copy of B-BBEE certificate or sworn affidavit must be submitted at tender closing (Mandatory).</li><li>Complete latest business registration documents [CIPC documents] (Mandatory).</li><li>Deponent ID if sworn affidavit is submitted (Mandatory).</li><li>Shareholder / Member ID copies (Mandatory).</li><li>Share certificates if entity is a Private Company (Mandatory).</li><li>Latest Financial Statements (Mandatory).</li><li>For JV's a valid JV B-BBEE certificate plus each JV partner supporting documents as per above list and their valid B-BBEE certificates / sworn affidavits.</li></ul> <p><b>PPPFA Regulation 8(2) Local Content Designated Sector Requirements</b></p> <table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Powerline Hardware</td><td>Distribution line hardware</td><td>100%</td></tr></table> <ul style="list-style-type: none"><li>SBD 6.2 Local Content Declaration Certificate duly completed and signed (<b>Mandatory</b>)</li><li>Annexure C: Local Content Declaration Summary Schedule duly completed and signed (<b>Mandatory</b>)</li><li>Exemption letter from the Department of Trade Industry and Competition (the dtic) if the stipulated threshold for local content cannot be met (<b>Mandatory</b>).</li><li>Annexure D: Imported Content Declaration - Supporting Schedule to Annexure C.</li><li>Annexure E: Local Content Declaration - Supporting Schedule to Annexure C.</li></ul> <p><b>Failure to submit the mandatory requirements or submitting invalid documents will render a tender submission non-responsive and will be disqualified from further evaluation.</b></p>	Commodity	Components	Local Content Threshold	Powerline Hardware	Distribution line hardware	100%
Commodity	Components	Local Content Threshold					
Powerline Hardware	Distribution line hardware	100%					
3.12 Designated materials and thresholds	<p>Designated material thresholds <b>[is applicable]</b></p> <p>If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.</p>						

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	<table><tr><th>Commodity</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Powerline Hardware</td><td>Distribution line hardware</td><td>100%</td></tr></table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The dti has appointed SABS as the official verification agency for local content in terms of designated products.</p> <p><b>A tender that fails to meet the minimum stipulated threshold for local production and content or submits documents that are not duly completed and signed will be disqualified.</b></p>	Commodity	Components	Local Content Threshold	Powerline Hardware	Distribution line hardware	100%				
Commodity	Components	Local Content Threshold									
Powerline Hardware	Distribution line hardware	100%									
3.13 Functionality requirements	<p>Functionality requirements <i><b>are applicable</b></i></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table><tr><td rowspan="3">Technical</td><td>Functionality Criteria</td><td>Maximum Percentage</td><td>Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next step</td></tr><tr><td><b>Technical</b></td><td>100</td><td></td></tr><tr><td colspan="2"><b>Overall minimum threshold for qualification</b></td><td><b>80%</b></td></tr></table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p> <p>Refer to:</p> <p><b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b></p>	Technical	Functionality Criteria	Maximum Percentage	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next step	<b>Technical</b>	100		<b>Overall minimum threshold for qualification</b>		<b>80%</b>
Technical	Functionality Criteria		Maximum Percentage	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next step							
	<b>Technical</b>		100								
	<b>Overall minimum threshold for qualification</b>		<b>80%</b>								
3.15 Evaluation of price	<p>Standard rates are applicable to this enquiry</p> <p>Tenders will have to confirm ACCEPTANCE of the rates. (Refer to Annexure I)</p> <p>Should a tenderer NOT ACCEPT the proposed rates, they will be disqualified and deemed NON-RESPONSIVE.</p> <p>All tenderers that ACCEPT the rates will be allocated 90/80 points for price</p>										
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 90/80 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p>										

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3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- 90/10 (for estimated values above R50M inclusive of VAT) or state that 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from technical evaluation and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p> <p>The required number of suppliers for this contract is 48 (forty-eight).</p>								
3.19 Objective Criteria (if applicable)	N/A								
Contractual Requirements (if applicable )	<p><b>Health, Safety, Environmental and Quality will be additional Contractual criterion.</b></p> <p>SAFETY REQUIREMENTS:</p> <p><b>Health and safety</b>_criteria will be based on the following:</p> <ul style="list-style-type: none"><li>• Health and Safety plan submission to include requirements regarding COVID19</li><li>• SHE policy</li><li>• Baseline SHE risk assessment</li><li>• H&amp;S and Environmental costing</li><li>• Proof of SHE competency</li><li>• Acknowledgement of Eskom’s rules and requirements</li><li>• Valid letter of good standing</li><li>• Medical fitness certificate/ Medical surveillance programme.</li></ul> <p><b>ENVIRONMENTAL REQUIREMENTS</b></p> <table><tr><th>#</th><th>REQUIREMENTS</th><th>DETAILS AND EVIDENCE TO BE PROVIDED</th></tr><tr><td rowspan="3">1</td><td rowspan="3"><b>Environmental Policy</b></td><td>Document which provides an intention and a direction of an organization related to environmental performance, as formally expressed by its top management</td></tr><tr><td>Expressed Environmental commitments (protection of environment, environmental compliance, environmental objectives, continual improvement, pollution reduction, etc.</td></tr><tr><td>Document signed by the CEO/ Director, Date &amp;version controlled</td></tr></table>	#	REQUIREMENTS	DETAILS AND EVIDENCE TO BE PROVIDED	1	<b>Environmental Policy</b>	Document which provides an intention and a direction of an organization related to environmental performance, as formally expressed by its top management	Expressed Environmental commitments (protection of environment, environmental compliance, environmental objectives, continual improvement, pollution reduction, etc.	Document signed by the CEO/ Director, Date &version controlled
#	REQUIREMENTS	DETAILS AND EVIDENCE TO BE PROVIDED							
1	<b>Environmental Policy</b>	Document which provides an intention and a direction of an organization related to environmental performance, as formally expressed by its top management							
		Expressed Environmental commitments (protection of environment, environmental compliance, environmental objectives, continual improvement, pollution reduction, etc.							
		Document signed by the CEO/ Director, Date &version controlled							

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	2	<b>Company Organogram: showing environmental responsible persons</b>	Contractor Environmental Officer/ Environmental Representative/ Company Director/ Herbicides Applicator.etc
	3	<b>Environmental Aspects &amp; Impacts Register (Activities, Products or Services) &amp; Rating</b>	<p><b>This register outlines organizations activities, products or services which could interact with the environment, result to environmental aspects &amp; Impacts in-line with the scope of work</b> (i.e Changing of pole mounted transformer, excavation and compacting, storage oil containing equipment, application of herbicides, transporting of hazardous &amp; dangerous goods, etc.).</p> <p>The methodology or criteria to determine the significance of environmental aspects &amp; Impacts (i.e. Low, Medium or High).</p> <p>Environmental compliance obligations (laws) associated with environmental aspects &amp; impacts are aligned accordingly.</p>
	4	<b>Environmental Risks &amp; Opportunities (SWOT) Register</b>	This register outlines organizations <b>Strengths, Weaknesses, Opportunities, Threats/Risks</b> (SWOT) which may prevent the organization from achieving its intended outcome (Environmental Performance, Fulfilment of compliance obligations & continual improvement).
	5	<b>Environmental Management Programme (EMP) - Project/ Site Specific</b>	<p>An EMP provides action plans to address environmental objectives and issues identified in the organizations significant Environmental Aspects &amp; Impacts (i.e. Oil spillage from pole mounted transformer leading to pollution).</p> <p>An EMP provides action plans to address environmental objectives and issues identified in the organizations SWOT Register (Risk - cutting of protected trees without tree cutting permits).</p> <p>An EMP provides action plans to address environmental objectives and issues identified in the organizations needs and expectations (Customer Needs/ Expectation - Report to the Chief upon grave disturbance).</p> <p>Specific risks/weaknesses/threats unique to the area must be addressed (i.e. working in protected areas; removal of indigenous trees requires permits/ licenses, working on a wetland) – how will the organizations manage this risk. Are there Operational Control procedures in place?</p>
	6	<b>Waste management strategy/ Plan</b>	A WMP provides description of the different waste streams expected on site (i.e, Batteries, wires, cables, etc.)

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			The WMP should also deal with prevention of pollution managing waste (Littering & separation) and waste minimization methods such as reuse, recycle and reduce.
			The WMP should also deal with prevention of pollution, littering, separation and waste minimization methods such as reuse, recycle and reduce.
			Records of waste quantities disposed and registered landfill sites
			Environmental compliance obligations (law) requirements
	7	<b>Environmental Emergency Preparedness &amp; Response Plan</b>	This plan lists possible environmental emergencies that could occur e.g. chemical spillages, air pollution incidents and encounters with bees and snakes.
			This plan shall address approach on how to respond to such emergency situations. This shall include exercises or drills to prepare and test emergency response on specified timeframes.
			This plan shall provide contact details of required stakeholders in case of an emergency.
	8	<b>Communication strategy or communication Plan</b>	<b>This plan shall address the method of communication internal and external in relation to environmental matters including;</b>
			What is going to be communicated
			How
			To whom
			The Frequency
			The purpose of such communication
	9	<b>Environmental incident Register</b>	<b>This register provides environmental incident details of the following;</b>
			Description of the incident
			Date of incident, reported to and reported by.
			Actions taken and status of recommendations
	10	<b>Environmental Competency Training certificate</b>	Date incident closed
			Does the organization have an environmental training matrix and schedule?
			Does the organization have documented proof that staff members have received environmental training? to
	11	<b>Environmental Appointment letters</b>	To ensure that employees have sufficient skills and understanding to execute their various duties?
			This part provides an environmental appointment letter (template) with clear Roles, Responsibilities & Authority;

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		Environmental Officer, Environmental Representative where duties listed are aligned with environmental management (i.e. Monitor Compliance with EMP, WMP, EPRP)
		Ensure compliance to and the knowledge of NEMA, management of waste, compliance to ISO 14001 requirements (where practicable).
	1 2	<b>Acknowledgement &amp; Declaration of understanding of Eskom environmental documents &amp; specifications.</b> Sign & Date Annexure B of the Eskom Contract Environmental Management Plan Submitted with Tender Enquiry.
	1 3	<b>Additional environmental requirement</b> Any requirement specific to a project or activity when doing evaluations (where practicable)
<p><b>QUALITY:</b> Quality Requirements are as follows:</p> <p>Category 3 quality requirement:</p> <p><b>SECTION A:</b> A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope.</p> <p>A.2 Quality Policy Approved by top management.</p> <p>A.5 Control of documented information</p> <p>A.7 Documented information for Nonconformity and Corrective action</p> <p>A.8 Documented information for Internal audit</p> <p><b>SECTION B:</b> B.1 Documented information for defined roles, responsibilities and authorities (e.g Organogram or Job Profile, Responsibility Matrix etc.)</p> <p>B.2 Documented information for Control of Externally Provided Processes, Products and Services</p> <p><b>SECTION C:</b> Contract Quality Plan as per Scope of Works (Ref ISO 10005)- Completed + Project Specific: Maintenance of Lifts, Escalators and Passenger Conveyors</p> <p><b>SECTION D:</b> Quality Control Plan / Inspection and Test Plan (QCP/ITP) – Completed + Project Specific: Maintenance of Lifts, Escalators and Passenger Conveyors</p> <p><b>SECTION E:</b> To Complete and Sign Form A</p>		

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	<p><b>Please Note:</b></p> <p><b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</b></p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p> <p><b>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</b></p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p>CIDB Requirements <b>are applicable</b></p> <ol style="list-style-type: none"> <li>It is estimated that tenderers must have a Construction Industry Development Board (cidb) class code EP from 1 or higher.</li> </ol> <p style="text-align: center;">OR;</p> <ol style="list-style-type: none"> <li>Joint ventures are eligible to submit tenders provided that :- <ul style="list-style-type: none"> <li>3.1 every member of the Joint venture (JV) is registered with the cidb.</li> <li>3.2 the lead partner has a contractor grading designation in the .....or.....*class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status;</li> <li>3.3 the combined contractor grading designation calculated in accordance with the cidb regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or .....* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations</li> </ul> </li> </ol>

**Please note:**

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

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

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

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

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

### 1.3 TENDER RETURNABLES

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓	
<b>Pre-qualification criteria :</b> <ul style="list-style-type: none"> <li>• B-BBEE /EME/QSE Levels 1 and 2</li> <li>• <i>Sub-contracting to designated groups</i></li> </ul> <b>Please Note that :</b> “proof of B-BBEE status level of contributor” means- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;  If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA	“ <b>Proof of B-BBEE status level of contributor</b> ” for main contractor EME/QSE Levels 1 and 2	✓	
	CSD number	✓	
	Signed Sub-contracting intent agreement	N/A	
	“ <b>Proof of B- BBEE status level of contributor</b> ” for sub-contractor belonging to designated group	N/A	
	Any other supporting documents to verify the status of the main contractor or sub-contractor as may be stipulated in 3.11)	✓	

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regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified			
<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)	✓	
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	✓	
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E( <b>only applicable where designated materials are included</b> )	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
<b>Annexure I</b>	Acceptance of Rates	✓	
Supplier Development & Localisation (SD&L) Undertaking (if applicable)			✓
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	<b>“proof of B-BBEE status level of contributor”</b> means:- (a) the B-BBEE status level certificate issued by an authorized body or person; or	✓	

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	(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; (as may be applicable for the particular tendering entity)		
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
<b>*“proof of B-BBEE status level of contributor” means:-</b> <b>(a) the B-BBEE status level certificate issued by an authorised body or person;</b> <b>or</b> <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b> <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b>	Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.  <b>There is a PPPFA Regulation 4 Of 2017 prequalification criteria for this tender, therefore submission of proof of B-BBEE status level contributor will render the tender non-responsive.</b>	✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number ) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) .  Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.		✓
<b>Tax Evaluation Questionnaire (if services)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		N/A

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<b>contract and was included as annexure)</b>			
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
<b>CIDB (where applicable)</b>	Valid proof of the required EP from grading 1 or higher cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	✓	
<b>Shareholding</b>	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
<b>NEC Documentation</b>	Completed NEC pricing schedule and contract data.	✓	
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)</b>			
<b>DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS</b>			
<b>Safety</b>	<b>Health and safety</b> criteria will be based on the following: <ul style="list-style-type: none"> <li>Health and Safety plan submission to include requirements regarding COVID19</li> <li>SHE policy</li> <li>Baseline SHE risk assessment</li> <li>H&amp;S and Environmental costing</li> <li>Proof of SHE competency</li> <li>Acknowledgement of Eskom's rules and requirements</li> </ul>	✓	

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	<ul style="list-style-type: none"> <li>Valid letter of good standing</li> <li>Medical fitness certificate/ Medical surveillance programme.</li> </ul>		
<b>Quality</b>	<p><b>QUALITY:</b> Quality Requirements are as follows:</p> <p>Category 3 quality requirement:</p> <p><b>SECTION A:</b> A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope.</p> <p>A.2 Quality Policy Approved by top management.</p> <p>A.5 Control of documented information</p> <p>A.7 Documented information for Nonconformity and Corrective action</p> <p>A.8 Documented information for Internal audit</p> <p><b>SECTION B:</b> B.1 Documented information for defined roles, responsibilities and authorities (e.g Organogram or Job Profile, Responsibility Matrix etc.)</p> <p>B.2 Documented information for Control of Externally Provided Processes, Products and Services</p> <p><b>SECTION C: Contract Quality Plan as per Scope of Works (Ref ISO 10005)- Completed + Project Specific: Maintenance of Lifts, Escalators and Passenger Conveyors</b></p> <p><b>SECTION D: Quality Control Plan / Inspection and Test Plan (QCP/ITP) – Completed + Project Specific: Maintenance of Lifts, Escalators and Passenger Conveyors</b></p> <p><b>SECTION E: To Complete and Sign Form A</b></p>		✓
<b>Environmental</b>	Refer to attachment		✓
<b>Due Diligence</b>	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will		✓

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	be required to send statements for the first year when once available.		
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required for functionality scoring)	As listed below	✓	

### Functionality: (Technical)

Proposals will be required to meet **80%** functionality qualifying score to be evaluated further and tenders that fail to achieve the minimum qualifying score for functionality will be disqualified. A weighted score-card approach will be used to evaluate technical compliance of tenders against the specification.

Technical	Functionality Criteria	Maximum Percentage	Tenderers will be expected to score at least the minimum threshold per functional area to proceed to the next step
	<b>Technical</b>	100	
	<b>Overall minimum threshold for qualification</b>		<b>80%</b>

### DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA

The following is a further breakdown of the Functionality criteria:

Mandatory documents/Gate keepers		
Mandatory documents/Gate keepers	YES	NO
Submit a valid MV authorization registered under company name. (Outcome 04)		
Submit a valid LV authorization registered under company name.		
Submit proof of verified MV line construction training from an Eskom Accredited Provider		
Submit proof of verified LV line construction training from an Eskom Accredited Provider		
Confirmation of a registered office in the Eastern Cape Province Proof of address or signed lease agreement)		

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1. Skills/Training			
	Weight	Score	Source of evidence
<b>1.1 Company Organogram</b>	3%		Organogram certified by owner/member/director
<b>1.2 Site Supervisor/Team Leader</b>			<p>Originally certified certificates</p> <p>To be accompanied by an affidavit done by the certificate holder to confirm his/her employment.</p>
<ul style="list-style-type: none"> <li>Detailed CV indicating the experience and training of the individual</li> </ul>	3%		
<ul style="list-style-type: none"> <li>Supervision training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>MV line construction training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>LV line construction training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Equipotential earthing**</li> </ul>	1%		
<ul style="list-style-type: none"> <li>OHS Act Training</li> </ul>	1%		
<ul style="list-style-type: none"> <li>LV Regulations Training**</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Live LV work methods/Electrical trade certificate**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Prepaid meters (including split meters) - training and Installation</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Cable joining &amp; termination – training and installation</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Climbing shoes/Ladder safety</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Environmental awareness</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Working from heights</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Fall arrest &amp; rescue</li> </ul>	1%		
<ul style="list-style-type: none"> <li>HIRA</li> </ul>	1%		
<ul style="list-style-type: none"> <li>First aid Level 2</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Valid medicals certificate - Fitness for duty</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Driver's Licence</li> </ul>	1%		
<b>1.2 Assistant site Supervisor</b>			<p>Originally certified certificates</p> <p>To be accompanied by an affidavit done by the certificate holder to confirm his/her employment.</p>
<ul style="list-style-type: none"> <li>Detailed CV</li> </ul>	3%		
<ul style="list-style-type: none"> <li>Supervision training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>MV line construction training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>LV line construction training**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Equipotential earthing**</li> </ul>	1%		
<ul style="list-style-type: none"> <li>OHS Act Training</li> </ul>	1%		
<ul style="list-style-type: none"> <li>LV Regulations Training**</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Live LV work methods/Electrical trade certificate**</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Prepaid meters (including split meters)</li> </ul>	1%		
<ul style="list-style-type: none"> <li>Cable joining &amp; termination</li> </ul>	2%		
<ul style="list-style-type: none"> <li>Climbing shoes/Ladder safety</li> </ul>	1%		

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• Environmental awareness	1%		
• Working from heights	1%		
• Fall arrest & rescue	1%		
• HIRA	1%		
• First aid Level 2	1%		
• Valid medicals	1%		
• Driver's Licence	1%		
<b>1.4 Proof of training for linesmen (Minimum One linesman)</b>			Originally certified certificates  To be accompanied by an affidavit done by the certificate holder to confirm his/her employment.
• MV line construction	2%		
• LV line construction	2%		
• Fall arrest & rescue training	1%		
• Climbing shoes/Ladder safety	1%		
• Valid Medicals certificate – Fitness to Duty	1%		

**NOTE: \*\* Verified by an Eskom Accredited Trainer**

<b>2. Tools &amp; Equipment</b>			
	<b>Weight</b>	<b>Score</b>	<b>Source of evidence</b>
<b>2.1 Crane trucks</b>			Vehicle registration papers/ authentic access of rental agreement
• Registered in Company Name (10 points) • Proof of Rental (5 point)	10%		
<b>2.2 Staff transport (Double cab, minibus)</b>			Vehicle registration papers/ authentic access of rental agreement
• Registered in Company Name (5 points) • Proof of Rental Agreement (3 points)	5%		
<b>2.3 LDV</b>			Vehicle registration papers/ authentic access of rental agreement
• Registered in Company Name (5 points) • Proof of Rental (3 points)	5%		
<b>2.4 Crane operator (5 points) – Proof of Certificate of Competency</b>	5%		Originally certified certificates
<b>2.5 Proof of Line construction equipment (spade, picks, chain hoist, dynamometer)</b>	5%		Proof of ownership (Certificates/asset register accompanied by affidavit)
<b>2.6 Proof of testing certification of Operating equipment (earths, link stick, MV testers)</b>	5%		Proof of ownership (Certificates/asset register accompanied by affidavit)

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3. Experience			
	Weight	Score	Source of evidence
<b>3.1 Relevant experience</b>			Appointment letter/Task Order
<ul style="list-style-type: none"> <li>Task Orders &gt; 5 (5 points) – Proof of Task Orders indicating Eskom experience</li> <li>Task Orders &lt; 5 (2 points) - Proof of Task Orders indicating Eskom experience</li> </ul>	5%		
<b>Grand Total</b>	<b>100%</b>		

Contractors will be selected as follows:

This principle will be applied until 12 separate contractors have been identified per Zone.

Criteria for selecting 48 suppliers for Minor Works:

- Suppliers are to score minimum 80% on technical requirements.
- If two or more tenderers score an equal number of points; the contract must be awarded to the tenderer that scored the highest points for BBEE.
- It is part of the evaluation process if two or more tenderers score equal total points for functionality and equal preference points for BBEE, the contract must be awarded to the tenderer the meets the Eskom Preferential Hierarchy that scored the highest points for functionality.
- If two or more tenderers score equal points in all respects, the award must be decided by the drawing of lots. The process is as follows:
  - A panel committee will be appointed, as a lot drawer, scribe, witness to the process, an overseer and a process controller
  - The ballot papers must be the same size and folded as same way and placed in a box.

This contracting strategy seeks to ensure that the learnings from other contracts is taken into consideration in the current contract. Eskom established contracts with many contractors that have not previously provided a service to Eskom, however as there was no limit to the number of contractors who would be contracted with; the number of contractors far exceeded the available work to be allocated.

In order to mitigate the challenge with Authorizations, the recommended approach which has been included in this strategy is as follows:

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- Authorizations Pre-requisites (training) (MV Outcome 3&4 and LV Authorizations) are to be included in the Functional Criteria for Scoring.
- The weight of this criterion will be set at a level that will not result in the bid failing to meet the threshold therefore not closing the market.
- But the weight will allow for the criterion to influence the ranking by allowing those bids with valid Authorizations to score additional points.
- Anticipated Outcome: if all other technical requirements are reasonably met, and this results in a score that meets the threshold, the expectation is that the final panel will include contractors with authorizations registered in their company names.

Where contractors do not have Authorization pre-requisites, they will not be eligible to be awarded a contract. **Contractors who do not meet the Authorisation requirement will be disqualified.** Authorization will take place at task order issue stage.

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

The *tenderer* must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):	
Individual tenderer	
Unincorporated Joint venture (registration number for each member of the JV)	
Incorporated JV	
Other	

**Please complete the following:**

Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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	

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CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom.\_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury\_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status\_\_\_\_\_
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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

- 8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_
- 8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

- 8.5 Which designated group does the sub-contractor belong to:-
  - Black people
  - Black people who are youth
  - Black people who are women
  - Black people with disabilities
  - Black people living in rural or underdeveloped areas or townships
  - Cooperatives which are 51% owned by Black people
  - Black people who are military veterans

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

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

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

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

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

#### A. Single tenderers

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

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

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

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

#### B. Joint Ventures


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

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

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

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

*(Form to be completed and signed by supplier/tenderer as Invitation to Tender/RFP returnable or as part of contract modification documentation)*


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

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

- 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

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- (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

Full Name & Capacity/ Position within tenderer (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/proposal*] will be disqualified if the *tenderer/s*, or any of its directors have:

- abused the institution’s procurement process (e.g. bid rigging/collusion)

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- committed fraud or any other improper conduct in relation to such system.

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

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

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

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

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

### **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.**

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

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

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## **ANNEXURE 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

#### **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:

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

## 5. NUMBER OF FORMULAE & INDICES

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

## 6. CPA FIXED PORTION

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

## 7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:

*The month before the month in which the Enquiry closes*

- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:

*The average for the month before the month in which the Enquiry closes*

- In this case, the following shall apply:

- Where the average is published:

*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*

- Where a high, low and mean are published:

*The mean*

- Where other prices than the Cash Settlement or Cash Sellers Price are published:

*The Cash Settlement or Cash Sellers Price*

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

## 8. CPA for Professional Services

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

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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
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> <ul style="list-style-type: none"><li>Final Manufactured Goods</li></ul> Or <ul style="list-style-type: none"><li>Intermediate Manufactured Goods OR</li><li>SEIFSA Table U Producer Price Index (PPI</li></ul> - final manufactured GOODS OR Intermediate Manufactured Goods
	<b>Zinc</b> SEIFSA, F, zinc			
	<b>Lead</b> SEIFSA ,F, lead			

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**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 E**

### **CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES**

#### **CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION**

Failure to propose contract price adjustment methods, either by completing this document or proposing alternative methods for any portion of the tender price, will lead to that portion of the tender price being considered fixed.

Where space in this document is insufficient, the tenderer shall submit the required information on separate schedules, duly referenced to this document.

Where foreign exchange is involved, and Eskom will cover the risk forward, the methods of payment listed in Part 1 are the only acceptable methods. It must be noted that Eskom considers Payment **Method 1** to be the default payment method.

#### **PART 1: PAYMENT OF FOREIGN COMMITMENTS**

Payment of Eskom's foreign commitment in foreign currency will be made either:

##### **Payment Method 1A:**

To a nominated bank account in a foreign country in a foreign currency  
(payment will be made to the party and account nominated by the supplier  
in the contract, and not to any other party);

**Please note that the contracting party must be the direct importer of the goods**

##### **Applicable (Y / N)**

Payment Method 1B;

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial ) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- Service related payments are excluded from this option;

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**Applicable(Y/N) or**

**Payment Method 2:**

In South African Rand at the selling spot rate of exchange obtained by Eskom's Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms.

Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- This payment option is not applicable for the payment of services

**Applicable (Y/N).....**

An indemnity in writing confirming that the supplier will not buy forward cover is required where Payment Method 1 or 2 is contracted.

***[Payment Method 2 must be accepted by the Commercial Policy and Procedure Manager before the tender documentation is sent out, but at the latest before the tender closing date. If it is not approved before tender closing, Payment Method 1 will be the default.]***

Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

**Applicable (Y/N).....**

Please note: Eskom will require substantiating proof of importation at the time of invoicing, If payment methods 1A,1B and 2 are selected.

Where goods were previously imported into stock by the supplier, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases Eskom will not undertake any foreign exchange commitment or arrange forward cover.

**PART 2: EXCHANGE RATES**

The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank ([www.resbank.co.za](http://www.resbank.co.za))

Please note that the tenderer is required to submit proof of the SARB rate/s used.

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### PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC.

The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

### PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS *(To be read in conjunction with Eskom CPA Index)*

Eskom requires a fixed portion (free of price adjustment) appropriate to the nature of the contract.

The methods/formulae proposed in this part shall clearly identify the base month, the period over which adjustment will apply, the elements of labour and materials and source of the indices/rates/prices to be used.

The source of indices/prices/rates nominated in this part shall be from a recognised publishing authority. It must be clearly and completely defined. Supplier in-house indices are not acceptable.

The value of overseas manufacture, labour and material costs (ex-works), inland transportation, expatriate labour, etc. included in the tender/contract price shall be subject to adjustment in accordance with the methods stated hereunder.

The base indices/prices/rates shall be those ruling for the month prior to the month of the closing of the enquiry.

#### 4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

Please submit your proposals for this section on a separate sheet of paper as an annexure.

#### 4.2 EXPATRIATE LABOUR METHOD

Please submit your proposals for this section on a separate sheet of paper as an annexure.

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#### 4.3 OTHER VALUES METHOD (e.g. Engineering fees, design fees, barging, inland transportation, etc.)

Please submit your proposals for this section on a separate sheet of paper as an annexure.

### **PART 5: ADJUSTMENT OF LOCAL MANUFACTURE/SUPPLY MATERIAL, TRANSPORT AND ERECTION COSTS**

The contract price adjustment method for local manufacture or partly local manufacture from imported stock, equipment or plant cost, transport cost within the RSA and local erection/installation cost shall be in accordance with the attached Eskom CPA Principles

### **PART 6: GUIDELINES FOR CONTRACT PRICE ADJUSTMENT CLAIMS --- PART 2, 3 AND 4**

- 1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
- 2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.
- 3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.
- 4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
- 5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.
- 6 Where requested by Eskom, the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.
- 7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

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.

**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.**

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

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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

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

**(Tick applicable box)**

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

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

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

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

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

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

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

**NB**

- 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.

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
  - (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:

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

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

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

**Annexure F2- \_Local content Declaration-Summary Schedule (annex C)**



Adobe Acrobat Document

**Annexure F3 - Imports Declaration-Supporting schedule to Annex**



Adobe Acrobat Document

**C(annex D)**


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



Adobe Acrobat Document

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**ANNEXURE G**


**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					

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SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO <b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>					

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**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1.</b>	<b>BID SUBMISSION:</b>
	<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2.</b>	<b>TAX COMPLIANCE REQUIREMENTS</b>
	<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....

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## Annexure H

### SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

## 2. DEFINITIONS

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

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### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20 or 90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

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

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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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 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted .....%?
- ii) The name of the sub-contractor .....
- iii) The B-BBEE status level of the sub-contractor .....
- iv) Whether the sub-contractor is an EME or QSE (***Tick applicable box***)

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		

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Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

#### 8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

#### 8.4 TYPE OF COMPANY/ FIRM

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

[Tick applicable box]

#### 8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

#### 8.6 COMPANY CLASSIFICATION

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

[Tick applicable box]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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- 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.

<p>WITNESSES:</p> <p>1. ....</p> <p>2. ....</p>	<p>.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p>
---	---

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## ANNEXURE I

PLEASE COMPLETE EITHER THE ACCEPTANCE OR REJECTION OF RATES SECTION AND RETURN WITH YOUR TENDER

### DECLARATION OF ACCEPTANCE OF RATES

I,.....On behalf of

..... (Company name) hereby accept the rates as indicated in the Bill of Quantities.

Company Name: \_\_\_\_\_

Name of the authorised person: \_\_\_\_\_

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

Signature of the authorised person: \_\_\_\_\_

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

### REJECTION OF RATES:

I,.....On behalf of

..... (Company name) hereby REJECT the rates as indicated in the Bill of Quantities.

REASON FOR REJECTION IS AS FOLLOWS:

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## ANNEXURE J

We confirm that the following communications received from the *Employer* before the submission of this tender, amending the tender documents, have been taken into account in the:

Item	Date Received	Title or Description
1.		
2.		
3.		
4.		
5.		
6.		

*(Attach additional pages if more space is required)*

---

Name and Designation

---

Signature

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