	Invitation to Tender KZN051	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER


FOR

The provision of emergency distribution line repairs and maintenance –6.6Kv – 33kV under dead work condition on an as when required basis for a period of 36 months in the Free State Operating Unit with contractors who are B-BBEE level 1-3

Tender number	KZN051
Issue date	17 October 2022
Closing date and time	25 November at 10h00
Tender validity period	4 months from the closing date and time
Clarification meeting	MS Teams Clarification Meeting 04 November 2022@ 10H00 Refer to 2.16 for detailed information with regards to the MS Teams Clarification Meeting
Tenders are to be delivered to the following address on the stipulated closing date and time:	THE TENDER OFFICE Eskom Commercial Services Procurement Offices 120 Henry Street Westdene Bloemfontein

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for: **The provision of Emergency Distribution Line Repairs and Maintenance –6.6Kv – 33kV under Dead Work Condition on an as when required basis for a period of 36 months in the Free State Operating Unit with the contractors who are B-BBEE level 1-3**

Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this Invitation will be deemed as your acceptance of the Eskom Standard Conditions of Tender attached

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

Yours faithfully

K. Lekutle


Procurement Manager

Kenosi Lekutle

Date: 14/10/2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.7	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	SBD 4- Standard Bidder's Disclosure	Annexure I	Y
6.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Part 1- Commercial Tender requirements	Y
6.11	Supplier Development & Localisation (SDL&I) Undertaking	Part 6- SDL& I requirements	
6.12	Supplier integrity Pact	Part 1- Commercial Tender requirements	

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

Clause Number from Standard Conditions of Tender	Tender Data																		
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Lungile Mathetha E-mail: mtambol@eskom.co.za</p>																		
1.3 Enquiry documents	<p>The Invitation to tender: KZN051</p> <p>All Relevant tender documents will be uploaded onto:</p> <ul style="list-style-type: none">• Eskom Tender Portal• National Treasury E-Tender Portal• CIDB <p>It is the responsibility of the tendering party to ensure all required documentation is downloaded, completed and submitted as follows:</p> <table><tr><th>SECTION</th><th>ORIGINAL</th><th>COPY</th></tr><tr><td>SECTION 1 – will comprise of the Commercial</td><td>✓</td><td>✓</td></tr><tr><td>SECTION 2 – will comprise of the Technical Requirements</td><td>✓</td><td>✓</td></tr><tr><td>SECTION 3 – will comprise of the Safety Requirements</td><td>✓</td><td>✓</td></tr><tr><td>SECTION 4 – will comprise of Quality Requirements</td><td>✓</td><td>✓</td></tr><tr><td>SECTION 5 – will comprise of the Environmental Requirements</td><td>✓</td><td>✓</td></tr></table>	SECTION	ORIGINAL	COPY	SECTION 1 – will comprise of the Commercial	✓	✓	SECTION 2 – will comprise of the Technical Requirements	✓	✓	SECTION 3 – will comprise of the Safety Requirements	✓	✓	SECTION 4 – will comprise of Quality Requirements	✓	✓	SECTION 5 – will comprise of the Environmental Requirements	✓	✓
SECTION	ORIGINAL	COPY																	
SECTION 1 – will comprise of the Commercial	✓	✓																	
SECTION 2 – will comprise of the Technical Requirements	✓	✓																	
SECTION 3 – will comprise of the Safety Requirements	✓	✓																	
SECTION 4 – will comprise of Quality Requirements	✓	✓																	
SECTION 5 – will comprise of the Environmental Requirements	✓	✓																	

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	SECTION 6 – will comprise of the SDL&I Requirements	✓	✓
	See the content list above for the enquiry documents.		
1.4 Type of Invitation to Tender	This invitation to tender is: 1. An open Invitation to tender		
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.		
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one Tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 		

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	<ul style="list-style-type: none"> A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations Any tenderer that is restricted by National Treasury A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:</p> <p>Date: 25 November 2022 Time: 10h00am Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom Commercial Building 25 Valley View Road New Germany 3620</p> <p>NB: The onus is upon the tenderer to ensure that their tender reach the Tender Office on or prior to the due date and time when making use of the post or courier services</p> <p>NB: Eskom employees are not permitted to deposit a tender into the Eskom tender box on behalf of a tenderer.</p> <p>If your tender document is too big to fit into the tender box, the documents can be submitted to an Eskom Tender office Official at the Eskom Tender Office, during the following times:</p> <p>Monday to Friday- 07h30-16h00 prior to the tender closing date. No Tender documents will be accepted after the stipulated tender closing date and time</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>Where a Tenderer does not submit One (1) hard copy of the original tender plus One (1) hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 6 months from the closing date and time
2.16 Clarification meetings	A non-compulsory "Online Meeting" will take place on Microsoft Teams, whereby a Presentation will be made to assist all contractors in complying with Eskom's tender requirements. Although this will not be a Compulsory Meeting, Contractors are encouraged via the

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	<p>Invitation to Tender to attend this MS Team Meeting to ensure that all Contracting Companies clearly understand the requirements and are able to submit a responsive tender.</p> <p>An “Online MS Teams Meeting” with representatives of the <i>Employer</i> will take place as follows: Date: 04 November 2022 Time: 10H00 Venue: MS Teams Meeting</p> <p>Microsoft Teams meeting Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 338 860 023 655 Passcode: YAACk7 Download Teams Join on the web Or call in (audio only) +27 21 834 0825,,776039808# South Africa, Cape Town Phone Conference ID: 776 039 808# Find a local number Reset PIN Learn More Meeting options</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.</p> <p>All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative mtambol@eskom.co.za</p> <p>All Clarification queries and responses will be published on Eskom's Tender Bulletin, CIDB and the National Treasury e-Tender Portal.</p> <p>Tenderers are encouraged to continuously check the bulletins for the latest updates or addendums during the tender process</p>
2.23 Alternative tenders	Alternative tenders are not allowed
2.25 Conditions of contract	The conditions of contract will be the NEC 3 ECC (Engineering Construction Contract)
3.4 Opening of tenders	There will be no public Tender Opening.
3.5 Prices to be read out	Prices will not be read out .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) the original and 1 hard copy of the original tender to Eskom at tender submission deadline. • Central Supplier Database (CSD) number (MAA.....)

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3.10 Mandatory tender returnables

A tenderer that does not submit mandatory documents/information required by the required deadlines as stipulated; will be deemed non-responsive.

Commercial requirements

- CSD Registration – Companies are required to provide a valid CSD (MAAA) number
- Valid proof of CIDB with an EP or Higher class of works at a CIDB grade 1 or higher. Where valid proof of CIDB registration is not available at tender closing deadline, tenderers are at a minimum expected to provide valid proof of application for registration and proof of actual registration by contract award.
- SBD 6.1 – Preference Points Claim Form in terms of PPPFA 2017 Regulation
- (SBD1) - Fully completed and signed standard bidding document 1
- SBD4- Bidder's disclosure
- Annexure C- Supplier Integrity Declaration Form

SDL&I:

This tender has been identified to advance B-BBEE level 1-3 status level of contributor


Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBEE certificate confirming their level 1-3 status

Tender Returnable if the above elements are Requirements.

- Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or
- Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR
- Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or
- Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or
- For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV

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Functionality

Technical:


Stage 1-Mandatory Technical Criteria and Returnable

Table 1 stipulates the Mandatory Criteria and required returnable to be submitted in the tender application. Failure to provide the stipulated evidence will result in submission disqualification and the evaluation will not be considered. Mandatory requirements listed on **Table 1**. There is no scoring linked to these Criteria requirements. A Yes or No result will be allocated. It is Compulsory the tender submission achieve "Yes" allocation for all mandatory requirements listed on the table below to proceed to stage 2. If a "No" is allocated to one or more criteria, then the submission will be considered non-responsive and will be disqualified

Criteria	Criteria Detailed Requirements	Returnable	Yes/No
Profession body Registration	Accreditation	Registration Letter with ECA	
LDV or Double Cab or such Vehicle	Minimum 500 kg (0.5 Ton) and lesser than 4 Tons.	Proof of ownership on the Vehicle Registration or meet requirements to hire from recognized service provider. Supporting Document be attached,	
Truck with Crane	Truck equipped with minimum 3Ton crane	Proof of ownership on the Register or proof of hiring Evidence for 1 Crane Truck required	
MV Line Construction Human Resource	Proof of MV Line Construction (ELW002 to ELW010) Training certificate per Supervisor (Team	Training Certificates for a minimum of 1 Person for MV Certificate: This evidence is for a	

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	Leader) or, Line Mechanic Qualification	resource that has done only the MV Training Certified Supporting Document submitted	
	<p>Note 1:</p> <p>1. "Line Construction Resources" refers strictly to resources employed in the tendering company that have achieved the required, accredited training on the subject. That his/her name is on the Company's Organogram.</p> <p>2. Competency will be evaluated According to Table 2</p> <p>Note: the evidence may be for one person or more than one contractor employee</p> <p>Stage 2-Functional Criteria and Returnable</p> <p>Proof must be included in the tender submission for the following:</p> <ul style="list-style-type: none"> a) Training b) Vehicles- Proof of Lease can be submitted as evidence c) Tools and Equipment <p>Evaluation of proof submitted points allocated accordingly. If requirement is not submitted, there will be no point allocation.</p> <p>A full breakdown of the mandatory technical evaluation requirement as well as requirements for scoring can be found on the attachment entitled Technical Evaluation Criteria</p> <p>The minimum threshold that must be met is 75%</p>		
3.11 Pre-qualification criteria	<p>Pre-qualification criteria is applicable</p> <p>Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBBEE certificate confirming their level 1-3 status</p> <p>Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBBEE certificate confirming their level 1-3 status</p> <p>Tender Returnable if the above elements are Requirements.</p> <ul style="list-style-type: none"> • Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or • Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR 		

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	<ul style="list-style-type: none">• Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or• Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or• For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV .																
3.12 Designated materials and thresholds	Designated material thresholds are not applicable																
3.13 Functionality requirements	<p><u>Functionality</u></p> <p><u>Technical:</u></p> <p>Stage 1-Mandatory Technical Criteria and Returnable</p> <p>Table 1 stipulates the Mandatory Criteria and required returnable to be submitted in the tender application. Failure to provide the stipulated evidence will result in submission disqualification and the evaluation will not be considered. Mandatory requirements listed on Table 1. There is no scoring linked to these Criteria requirements. A Yes or No result will be allocated. It is Compulsory the tender submission achieve "Yes" allocation for all mandatory requirements listed on the table below to proceed to stage 2. If a "No" is allocated to one or more criteria, then the submission will be considered non-responsive and will be disqualified</p> <table><tr><th>Criteria</th><th>Criteria Detailed Requirements</th><th>Returnable</th><th>Yes/No</th></tr><tr><td>Profession body Registration</td><td>Accreditation</td><td>Registration Letter with ECA</td><td></td></tr><tr><td>LDV or Double Cab or such Vehicle</td><td>Minimum 500 kg (0.5 Ton) and lesser than 4 Tons.</td><td>Proof of ownership on the Vehicle Registration or meet requirements to hire from recognized service provider. Supporting Document be attached,</td><td></td></tr><tr><td>Truck with Crane</td><td>Truck equipped with minimum 3Ton crane</td><td>Proof of ownership on the Register or proof of hiring</td><td></td></tr></table>	Criteria	Criteria Detailed Requirements	Returnable	Yes/No	Profession body Registration	Accreditation	Registration Letter with ECA		LDV or Double Cab or such Vehicle	Minimum 500 kg (0.5 Ton) and lesser than 4 Tons.	Proof of ownership on the Vehicle Registration or meet requirements to hire from recognized service provider. Supporting Document be attached,		Truck with Crane	Truck equipped with minimum 3Ton crane	Proof of ownership on the Register or proof of hiring	
Criteria	Criteria Detailed Requirements	Returnable	Yes/No														
Profession body Registration	Accreditation	Registration Letter with ECA															
LDV or Double Cab or such Vehicle	Minimum 500 kg (0.5 Ton) and lesser than 4 Tons.	Proof of ownership on the Vehicle Registration or meet requirements to hire from recognized service provider. Supporting Document be attached,															
Truck with Crane	Truck equipped with minimum 3Ton crane	Proof of ownership on the Register or proof of hiring															

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			Evidence for 1 Crane Truck required	
	MV Line Construction Human Resource	Proof of MV Line Construction (ELW002 to ELW010) Training certificate per Supervisor (Team Leader) or, Line Mechanic Qualification	Training Certificates for a minimum of 1 Person for MV Certificate: This evidence is for a resource that has done only the MV Training Certified Supporting Document submitted	
<p>Note 1:</p> <p>1. "Line Construction Resources" refers strictly to resources employed in the tendering company that have achieved the required, accredited training on the subject. That his/her name is on the Company's Organogram.</p> <p>2. Competency will be evaluated According to Table 2</p> <p>Note: the evidence may be for one person or more than one contractor employee</p> <p>Stage 2-Functional Criteria and Returnable</p> <p>Proof must be included in the tender submission for the following:</p> <ul style="list-style-type: none"> a) Training b) Vehicles- Proof of Lease can be submitted as evidence c) Tools and Equipment <p>Evaluation of proof submitted points allocated accordingly. If requirement is not submitted, there will be no point allocation.</p> <p>A full breakdown of the mandatory technical evaluation requirement as well as requirements for scoring can be found on the attachment entitled TECHNICAL EVALUATION CRITERIA</p> <p>The minimum threshold that must be met is 75%</p>				
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors 			

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	<ul style="list-style-type: none"> Excluding contingencies in any bill of quantities or activity schedule. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. Unconditional discounts must be considered for evaluation purposes. Conditional discounts must not be considered for evaluation purposes but should be implemented when payment is affected. Prices will be scored out of 80.
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will be disqualified.</p> <p>Tenderers are to provide a valid copy of a sworn affidavit or a valid copy of a B-BBEE certificate confirming their level 1-3 status</p> <p>Tender Returnable if the above elements are Requirements.</p> <ul style="list-style-type: none"> Valid original or certified copy of sworn affidavit in the case of EME's must be submitted (affidavit must be completed fully), or Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE's must be submitted, or Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:</p> <ul style="list-style-type: none"> 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Contractual Requirements	<p>It must be noted that the Safety, Quality and environment requirements will be evaluated, and companies will be given opportunities to submit the outstanding requirements. The shortfalls will be communicated upfront to the tenderer who will then be requested to attend a session where the functional specialist will assist the tenderer to understand the outstanding requirements.</p>

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	<p>Tenderers are encouraged to submit the SHEQ documents with the tender at the time of the tender closing. This will reduce the likelihood of not meeting the SHEQ requirements in the event that the tenderers are required to submit after the closing date.</p> <p>The following requirements form part of the contractual requirements, the criteria for which is attached hereto:</p> <p><u>Health and Safety requirements</u></p> <p>Medium risk work</p>	
	No	Requirement
	1	Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B)
	2	Scope Specific OHS Plan (SHE Plan) ensure to cover Covid-19 Virus Requirements as well
	3	Costing for Safety Health and Environmental management Has the tenderer submitted detailed (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. – <ul style="list-style-type: none"> based on the overall scope of work/service to be performed; ensure to cover Covid -19 requirements the generic scope of work/service risk assessment –will may serve as a guideline.
	4	Baseline Risk Assessment (BRA) <ul style="list-style-type: none"> Identification, assessment, and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA ensure to cover Covid-19 Requirements
	5	Valid Letter of Good Standing (COIDA or equivalent (Nature of Business to be applicable)
	6	SHE policy signed by CEO/ MD Comply to OHS Act Section 7 or OSHAS 18001
	7	SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications /certificates e.g. <ul style="list-style-type: none"> First aiders Covid-19 Control Officer Safety officer HCS controller Incident Investigator SHE Representative
	8	Fall Protection Plan <ul style="list-style-type: none"> Fall Protection Plan

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		<ul style="list-style-type: none"> • Appointment Letter and Competency Certificate for Fall Protection Plan Developer • HIRA for Height Work • Rescue Plan
	<u>Environmental requirements</u>	
	1	Annexure B -Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?
	2	<ul style="list-style-type: none"> • Environmental Management Plan-Waste management (reduction, re-use, recycling, disposal). • Environmental induction. • Environmental incident management. • Emergency planning for environmental incidents. • Environmental management structure within the Company: Professional Registration of environmental resources(s), responsibility and accountability • Method statements related to activities that have significant environmental impacts (methodology and approach) illustrating how environmental impacts and risks are managed. • Approach to ensuring compliance with environmental compliance obligations. • Environmental competency, training, appointments. • Environmental Communication and awareness
	3	Costing for Environmental Management: Has the tenderer submitted detailed (the cost should be broken down not provided as a lump sum) costing for environmental management related to the overall scope of work/service to be performed?
	4	Medium and High Risk Only: Identification of Environmental Aspects and Impacts: <p>Identification, assessment, and control of activities that have or may have an impact on the environment. The methodology used must be provided together with the identified activities (if applicable) that have been identified, based on the scope of work, that have an impact on the environment and the controls that will be in place in contract execution.</p>

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	5	Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD: Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care
	6	Environmental Competency Consider scope of work, risks, Environmental Management Plan and applicability) CV,s and qualifications / certificates e.g. <ul style="list-style-type: none"> - Environmental Officer - Environmental Control Officer Incident investigator(s)
	<u>Quality requirements</u>	
	<u>SECTION A : Quality Management System Requirements ISO 9001</u> <u>Objective evidence of documented QMS that is not certified but complies with ISO 9001</u>	
	A.1 QMS Manual or a document that defines and describes the QMS and its scope.	1
	A.2 Quality Policy Approved by top management.	1
	A.3 Quality Objectives Approved by top management.	1
	A.4 Control of documented information	1
	A.5 Documented information for Control of nonconforming outputs	1
	A.6 Documented information for Nonconformity and Corrective action	1
	A.7 Documented information for Internal audit	1
	A.1 QMS Manual or a document that defines and describes the QMS and its scope.	1
	Section A Score	7
	<u>SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000 /240-105658000)</u>	
	B.1 Documented information for defined roles, responsibilities and authorities- approved organogram with assigned QMS roles and responsibilities as per Clause 5.3 of latest ISO 9001	1

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	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Purchasing Process	1
	Section B Score	2
	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698) Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)	
	Draft Contract/Project Quality Plan has important QA deliverables	1
	Section C Score	1
	SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000)- Draft/Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done Quality control plans	
	Quality control plans (QCPs) / ITPs for Emergency work for maintenance and repair function on the relevant network.	1
	Section D Score	1
	SECTION E : User defined additional Requirements & miscellaneous (Ref 240-105658000) Customer specific requirements & other standards and required can be listed and evaluated here	
	E.1 Form A is completed and signed.	1
	Section E Score	1
<u>Financial requirements</u> A financial evaluation will be conducted by Eskom to further evaluate the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract.		

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	<p>An analysis of the tenderers financial statements will be conducted required, for the purposes of establishing the tenderers financial viability and ability to meet all its contractual obligations.</p> <p>If the service provider is found to be financially unacceptable, the service is deemed to be low risk, the payment will be affected after the service is provided. The service provider will be accepted.</p> <p>It must be noted that financial statements may be requested after the tender closes.</p> <p><u>Price and Preference</u></p> <p>Price and preference will be applied as follows:</p> <p>As standard rates are applicable, all contractors that qualify will be awarded 80 points; contractors will then receive the points for B-BBEE</p> <p>If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE.</p> <p>If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points for B-BBEE, the contract must be awarded to the tenderer that scored the highest points for functionality.</p> <p>If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots</p> <p>The purpose is to have a panel of 8 contract.</p> <p><u>S, D L&I:</u></p> <p><u>SDL&I Undertaking</u></p> <p>Tenderers who complete and submit the undertaking as required, but who do not meet Eskom's targets, will not be disqualified. SD&L undertakings do not form part of scoring, but commitments will form part of contractual obligations</p> <p>Enterprise or Supplier Development The main contractor will be required to propose development in the following areas:</p>
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	<u>Support Description</u> Enterprise Development is selected as a vehicle to support black businesses and an Enterprise and Supplier Development Agreement (Annexure A) must be completed between the supplier and a local Youth owned EME1	<u>Tenderer proposal</u> n/a														
	<u>Job Opportunities</u> Tenderer to indicate number of Jobs to be created and/or retained from this contract															
	<table border="1"> <tr> <th>Number of Jobs to be created</th> <th>Number of Jobs to be retained</th> </tr> <tr> <td>8</td> <td></td> </tr> </table>		Number of Jobs to be created	Number of Jobs to be retained	8											
	Number of Jobs to be created	Number of Jobs to be retained														
	8															
<u>Skills Development</u> Tenderers are required to propose against the following training initiatives																
<table border="1"> <tr> <th>Category</th> <th>Eskom's target</th> <th>Tenderer's proposal</th> </tr> <tr> <td>Driver's license</td> <td>3</td> <td></td> </tr> <tr> <td>ORHVS courses</td> <td>3</td> <td></td> </tr> <tr> <td>Fire fighting</td> <td>2</td> <td></td> </tr> <tr> <td>First aid (level 1&2)</td> <td>3</td> <td></td> </tr> </table>		Category	Eskom's target	Tenderer's proposal	Driver's license	3		ORHVS courses	3		Fire fighting	2		First aid (level 1&2)	3	
Category	Eskom's target	Tenderer's proposal														
Driver's license	3															
ORHVS courses	3															
Fire fighting	2															
First aid (level 1&2)	3															


Other Initiatives

NOTE 1: For each of the above training we require:

- 1 candidate (for either of the training courses above) for every R3 Million worth of accumulated purchase orders that has been allocated to the contractor

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Please note:

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

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


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

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

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

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1.3 TENDER RETURNABLES

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	One (1) original tender plus (One)1 complete hard copy of the original tender	✓	
	CSD MAAA.....number	✓	
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars		✓
Annexure C	Integrity Pact Declaration form	✓	
Annexure G (applicable for all suppliers including foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I	SBD4- Bidder's disclosure	✓	
Supplier Development & Localisation (SD&L) Undertaking			✓
Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	"proof of B-BBEE status level of contributor" means: -	✓	

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	<p>(a) the B-BBEE status level certificate issued by an authorized body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.</p> <p>(as may be applicable for the particular tendering entity)</p>		
	<p>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.</p>		✓
<p>*“proof of B-BBEE status level of contributor” means:-</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p>	<p>Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will result in disqualification, The tenderer will however, score 0 points for B-BBEE level /status (out of 20)</p>	✓	
<p>Tax Clearance Certificates</p>	<p>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) .</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p>		✓
<p>Tax Evaluation Questionnaire (if services contract and was included as annexure)</p>	<p>Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE</p>		✓

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CIDB	Valid proof of the required 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	✓	
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
NEC	Completed NEC 3 Engineering Construction Short Contract pricing schedule and contract data.	✓	
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	N	Requirement	✓
	1	Is the acknowledgement of Eskom's OHS rules and requirements form (Annexure B)	
	2	Scope Specific OHS Plan (SHE Plan) <ul style="list-style-type: none"> ensure to cover Covid-19 Virus Requirements as well 	
	3	Costing for Safety Health and Environmental management Has the tenderer submitted detailed (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. – <ul style="list-style-type: none"> based on the overall scope of work/service to be performed; ensure to cover Covid -19 requirements 	

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		<ul style="list-style-type: none"> the generic scope of work/service risk assessment –will may serve as a guideline. 		
	4	Baseline Risk Assessment (BRA) <ul style="list-style-type: none"> Identification, assessment, and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA ensure to cover Covid-19 Requirements 		
	5	Valid Letter of Good Standing (COIDA or equivalent (Nature of Business to be applicable)		
	6	SHE policy signed by CEO/ MD Comply to OHS Act Section 7 or OSHAS 18001		
	7	SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications /certificates e.g. <ul style="list-style-type: none"> First aiders Covid-19 Control Officer Safety officer HCS controller Incident Investigator SHE Representative 		
	8	Fall Protection Plan <ul style="list-style-type: none"> Fall Protection Plan Appointment Letter and Competency Certificate for Fall Protection Plan Developer HIRA for Height Work Rescue Plan 		

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Quality	SECTION A : Quality Management System Requirements ISO 9001			✓
	Objective evidence of documented QMS that is not certified but complies with ISO 9001			
	A.1 QMS Manual or a document that defines and describes the QMS and its scope.	1		
	A.2 Quality Policy Approved by top management.	1		
	A.3 Quality Objectives Approved by top management.	1		
	A.4 Control of documented information	1		
	A.5 Documented information for Control of nonconforming outputs	1		
	A.6 Documented information for Nonconformity and Corrective action	1		
	A.7 Documented information for Internal audit	1		
	A.1 QMS Manual or a document that defines and describes the QMS and its scope.	1		
	Section A Score	7		
	SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000 /240-105658000)			
	B.1 Documented information for defined roles, responsibilities and authorities- approved organogram with assigned QMS roles and responsibilities as per Clause 5.3 of latest ISO 9001	1		
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Purchasing Process	1		
	Section B Score	2		

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	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698)		
	Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)		
	Draft Contract/Project Quality Plan has important QA deliverables	1	
	Section C Score	1	
	SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302)		
	QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000)-		
	Draft/Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done Quality control plans		
	Quality control plans (QCPs) / ITPs for Emergency work for maintenance and repair function on the relevant network.	1	
	Section D Score	1	
	SECTION E : User defined additional Requirements & miscellaneous (Ref 240-105658000)		
	Customer specific requirements & other standards and required can be listed and evaluated here		
	E.1 Form A is completed and signed.	1	
	Section E Score	1	

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Environmental		Requirement		✓
	1	Annexure B -Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?		
	2	<ul style="list-style-type: none"> • Environmental Management Plan-Waste management (reduction, re-use, recycling, disposal). • Environmental induction. • Environmental incident management. • Emergency planning for environmental incidents. • Environmental management structure within the Company: Professional Registration of environmental resources(s), responsibility and accountability • Method statements related to activities that have significant environmental impacts (methodology and approach) illustrating how environmental impacts and risks are managed. • Approach to ensuring compliance with environmental compliance obligations. • Environmental competency, training, appointments. • Environmental Communication and awareness 		
	3	Costing for Environmental Management: Has the tenderer submitted detailed (the cost should be broken down not provided as a lump sum) costing for environmental management related to the overall scope of work/service to be performed?		

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	<p>A financial evaluation will be conducted by Eskom to further evaluate the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract.</p> <p>An analysis of the tenderers financial statements will be conducted required, for the purposes of establishing the tenderers financial viability and ability to meet all its contractual obligations.</p> <p>If the service provider is found to be financially unacceptable, the service is deemed to be low risk, the payment will be affected after the service is provided. The service provider will be accepted.</p> <p>It must be noted that financial statements may be requested after the tender closes</p>		
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring)	<p><u>Technical:</u></p> <p>Stage 1-Mandatory Technical Criteria and Returnable</p> <p>Table 1 stipulates the Mandatory Criteria and required returnable to be submitted in the tender application. Failure to provide the stipulated evidence will result in submission disqualification and the evaluation will not be considered. Mandatory requirements listed on Table 1. There is no scoring linked to these Criteria requirements. A Yes or No result will be allocated. It is Compulsory the tender submission achieve "Yes" allocation for all mandatory requirements listed on the table below to proceed to stage 2. If a "No" is allocated to one or more criteria, then the submission will be considered non-responsive and will be disqualified</p>	✓	

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Criteria	Criteria Detailed Requirements	Returnable	Yes/No		
Profession body Registrati on	Accreditation	Registratio n Letter with ECA			
LDV or Double Cab or such Vehicle	Minimum 500 kg (0.5 Ton) and lesser than 4 Tons.	Proof of ownership on the Vehicle Registratio n or meet requireme nts to hire from recognize d service provider. Supporting Document be attached,			
Truck with Crane	Truck equipped with minimum 3Ton crane	Proof of ownership on the Register or proof of hiring Evidence for 1 Crane Truck required			

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	<p>MV Line Construction Human Resource</p>	<p>Proof of MV Line Construction (ELW002 to ELW010) Training certificate per Supervisor (Team Leader) or, Line Mechanic Qualification</p>	<p>Training Certificate s for a minimum of 1 Person for MV Certificate: This evidence is for a resource that has done only the MV Training Certified Supporting Document submitted</p>		

***Note 1:**

1. "Line Construction Resources" refers strictly to resources employed in the tendering company that have achieved the required, accredited training on the subject. That his/her name is on the Company's Organogram.

2. Competency will be evaluated **According to Table 2**

Note: the evidence may be for one person or more than one contractor employee

Stage 2-Functional Criteria and Returnable


Proof must be included in the tender submission for the following:

- a) Training
- b) Vehicles- Proof of Lease can be submitted as evidence
- c) Tools and Equipment

Evaluation of proof submitted points allocated accordingly. If requirement is not submitted, there will be no point allocation.

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<p>A full breakdown of the mandatory technical evaluation requirement as well as requirements for scoring can be found on the attachment entitled Technical Evaluation Criteria</p> <p>The minimum threshold that must be met is 75%</p> <table border="1"> <thead> <tr> <th>No</th><th>Criteria Section</th><th>Weight</th><th>Notes</th></tr> </thead> <tbody> <tr> <td>1</td><td>Training and Skilled Resources</td><td>30%</td><td>Refer to Training and Skilled Resources Criteria section for details of evidence required</td></tr> <tr> <td>2</td><td>Tools, equipment and Plant</td><td>25%</td><td>Refer to Plant and Tools Criteria section for details of evidence required</td></tr> <tr> <td>3</td><td>Vehicles</td><td>10%</td><td>Refer to Vehicles Criteria section for details of evidence required</td></tr> <tr> <td>4</td><td>Related Work Experience</td><td>35%</td><td>Refer to Related Work Experience Criteria Section for details of evidence required.</td></tr> </tbody> </table> <p>Please see a full breakdown of the technical evaluation requirements as well as the requirements for scoring can be found on the</p>		No	Criteria Section	Weight	Notes	1	Training and Skilled Resources	30%	Refer to Training and Skilled Resources Criteria section for details of evidence required	2	Tools, equipment and Plant	25%	Refer to Plant and Tools Criteria section for details of evidence required	3	Vehicles	10%	Refer to Vehicles Criteria section for details of evidence required	4	Related Work Experience	35%	Refer to Related Work Experience Criteria Section for details of evidence required.		
No	Criteria Section	Weight	Notes																				
1	Training and Skilled Resources	30%	Refer to Training and Skilled Resources Criteria section for details of evidence required																				
2	Tools, equipment and Plant	25%	Refer to Plant and Tools Criteria section for details of evidence required																				
3	Vehicles	10%	Refer to Vehicles Criteria section for details of evidence required																				
4	Related Work Experience	35%	Refer to Related Work Experience Criteria Section for details of evidence required.																				

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	attachment called <u>Technical Tender evaluation criteria</u> Each section is weighted in order to produce a final score out of 100%. Each section has individual criteria that are scored, individually weighted and will be converted into a result aligned to the Criteria Section Weight. The maximum possible final score will be 100%. The threshold is set at 80%.		
--	---	--	--

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____
-
-

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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


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

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

Invitation to Tender No: _____

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Name of company/JV: _____

Country of registration _____

Name of contact person: _____

Contact details of contact person:


Tel (landline) _____

Cell phone _____

e-mail address _____

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ANNEXURE B

TENDERER'S PARTICULARS

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


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

Please complete the following:

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

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If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

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

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____

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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
5. Alternatively, you may contact: **Babalwa Mhlophe 011 8003478**
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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


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

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

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential

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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.

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____


B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

(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
 - (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.

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Full Name & Capacity/ Position within tenderer (e.g. employee/Director/member/ owner/shareholder)	Identity Number	Confirm and provide details (including employee number) if you are a State/State owned entity employee/contractor/ director.	Full Names & Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest(marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES


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

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

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

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

Item	Question	Yes/No	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><i>[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].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		

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1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures


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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE G


SBD 1

PART A INVITATION TO BID

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

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

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
<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. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
2. TAX COMPLIANCE REQUIREMENTS								
<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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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Annexure H

SBD 6.1

PREFERENCE POINTS CLAIM FORM 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	
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor

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together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.


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

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:

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

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

5. BID DECLARATION

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

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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		
Cooperative owned by black people		

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Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION


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

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

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

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contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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

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ANNEXURE I

SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO


- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2. Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:


.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in submitting the
accompanying bid, do hereby make the following statements that I certify to be true
and complete in every respect:

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- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of bidder

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