	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ESKOM HOLDINGS SOC LTD


INVITATION TO TENDER

FOR

THE PROVISION OF SPECIALISED POWER SYSTEM STUDIES ASSOCIATED WITH SERIES COMPENSATION ON THE PLANNED ZEUS – PERSEUS 765 KV TRANSMISSION LINE TO THE CAPE

Tender number	MWP1663TX
Issue date	10 November 2022
Closing date and time	7 December 2022 at 10h00
Tender validity period	150 days from the closing date and time
Clarification meeting	A non-compulsory clarification meeting will be held on 23 November 2022 at 10h00 via MS Teams, wherein a formal presentation will take place, followed by a Question and Answer (Q&A) session.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Tender Box located at the: Eskom Megawatt Park Tender Office North Side Maxwell Drive Sunninghill 2191
Precautionary measures to be taken on delivery of Tender documents	Tenderers shall ensure all precautionary measures to prevent the spread of the COVID 19 virus as issued by the Department of Health or as prescribed by the Disaster Management Act and other relevant authorities are undertaken when the tender documents are transported and delivered to the Eskom Tender Office.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Provision of Specialised Power System Studies associated with Series Compensation on the planned Zeus – Perseus 765 kV Transmission Line to the Cape over a period of eight (8) months.

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 by you in response to this Invitation will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

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


Yours faithfully



Jabu Nkgapele
PROCUREMENT MANAGER

Date: 2022-11-09

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		


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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement Form	Annexure A	Y
1.1.2	*Tenderer's Particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
1.1.4	*SBD 1 – Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure D	Y
1.1.5	*SBD 6.1 – Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure E	Y
1.1.6	*SBD 4 – Bidders Disclosure	Annexure F	Y
1.1.7	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Annexure G	Y
1.1.8	Compulsory Declaration	Annexure H	Y
1.1.9	Supplier Development & Localisation (SDL&I) Undertaking	Annexure I	Y

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: Vuyokazi Ndlwana Tel: (011) 516-7915 E-mail: Vuyokazi.Ndlwana@eskom.co.za</p>
1.3 Enquiry documents	The Invitation to tender number is: MWP1663TX

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		


	<p>The enquiry documents are to be submitted in the following format:</p> <p>One original hardcopy file and an identical copy divided into folders as per the list of Tender Returnables on pages 11-14.</p> <ul style="list-style-type: none"> • Commercial • Financial • Functionality
1.4 Type of Invitation to Tender	This invitation to tender is 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 of another Tenderer or influence the decisions of the Employer regarding this bidding process. • Tenders signed by non- authorized persons

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		


	<ul style="list-style-type: none"> Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations) Any tenderer that is restricted by National Treasury A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:</p> <p>Date: 7 December 2022 Time: 10h00</p> <p>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 Megawatt Park North Side Maxwell Drive Sunninghill 2191</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy and one (1) soft copy (USB Flashdrive) of the original tender at tender submission deadline.</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 150 days.</p>
2.16 Site/clarification meetings	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 23 November 2022 Time: 10h00 Venue: Via MS Teams</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee by 17h00 on 22 November 2022.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which</p>

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

	is five (5) working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	<p>The conditions of contract will be the NEC3 Professional Services Contract (PSC).</p> <p>The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)</p> <p>The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013)</p>
2.31 Provision of security for performance	Not applicable.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.
3.5 Prices to be read out	Prices will not be read out .
3.9 Basic Compliance	<p>Basic compliance for this Invitation to Tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer. • Submit one (1) hard copy of the original tender to Eskom. • Submit a complete original tender with commercial, financial and technical information. • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....).
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.11 Pre-qualification criteria	Pre-qualification criteria is not applicable .
3.12 Designated materials and thresholds	Designated material thresholds are not applicable .

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

3.13 Functionality requirements


Functionality requirements **are applicable**.

The following criteria will be applicable under functionality criteria:

Requirement	Evaluation Criteria	Weight
Qualifications of Key Personnel	<ul style="list-style-type: none"> - PhD – Expert = 10 points - Masters Degree (M.Sc/M-Tech) = 8 points - Honours Degree (B tech, Bsc hons) = 6 points - Degree/ Higher Diploma = 4 points - National Diploma = 2 points 	20%
Proposal Meeting Scope Requirements	<ul style="list-style-type: none"> - Excellent response which demonstrates the ability to deliver the service far in excess of minimum = 10 points - Good response detailing clearly how the service will be delivered above and beyond the minimum requirements = 8 points - Acceptable response detailing how the service will fully meet the requirements = 6 points - Barely adequate levels of required scope proposal = 4 points - Less than minimum level of required scope proposal or irrelevant = 2 points 	30%
Previous Relevant Assignments of Personnel	<ul style="list-style-type: none"> - >5 assignments = 10 points - 3-4 assignments = 8 points - 2-3 assignments = 6 points - 1-2 assignments = 4 points - 0 assignments = 2 points 	20%
Reference List of Company and Personnel	<ul style="list-style-type: none"> - >8 references = 10 points - 6-7 references = 8 points - 4-5 references = 6 points - 2-3 references = 4 points - 1 reference = 2 points 	10%
Delivery Time for Task Order	<ul style="list-style-type: none"> - Within 10% = 10 points - 20% earlier or later = 8 points - 30% earlier or later = 6 points - 40% earlier or later = 4 points - 50% earlier or later = 2 points 	20%
Total		100%


A **60% minimum threshold** is required.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

	Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.
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. • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes. • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 80 points.</p>
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 not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be scored out of 80 points for price and will score 0 points for B-BBEE level / status (out of 20).</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:</p> <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 Objective Criteria	Objective criteria is not applicable .
3.20 Reverse e-auction	Reverse e-auction is not applicable .
Contractual Requirements	<p>Contractual Requirements may include the following:</p> <p>Financial Sustainability/Viability:</p> <ul style="list-style-type: none"> • Financial Analysis of Tenderers Financial Statements (to determine the contractors' financial viability).

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

	<p>Supplier Development, Localisation and Industrialisation (SDL&I) Requirements:</p> <ul style="list-style-type: none"> The contractor must at a minimum maintain their B-BBEE status throughout the contract period. The contractor is required to commit to the skills development of Eskom employees as a direct result of being awarded a contract. <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable.

Please note:

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:


For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

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.

Controlled Disclosure


	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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;

Controlled Disclosure


	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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	Original tender plus one (1) complete hard copy and to comply as per point 3.9 above.	✓	
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.	✓	
Annexure E	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure F	SBD 4 – Bidders Disclosure	✓	
Annexure G	Tax Evaluation Questionnaire		✓
Annexure H	Compulsory Declaration	✓	
Annexure I	Supplier Development Localisation & Industrialisation (SDL&I) Undertaking		✓
Additional Documents required in event of JV:	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.	✓	
	“ Proof of B-BBEE status level of contributor ” means: (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or	✓	

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

	(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.		✓
*“Proof of B-BBEE status level of contributor” means: (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.		✓

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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 Documentation	Completed and Signed: <ul style="list-style-type: none"> Form of Offer and Acceptance; NEC Pricing Schedule; Schedule of Deviations; and Contract Data. 	✓	
Pricing Schedule	<ul style="list-style-type: none"> Main Option; Secondary Option; and Resource List. 	✓	


DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓
SDL&I Undertaking	Supplier Development, Localisation and Industrialisation (SDL&I) Undertaking.		✓

DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA


Technical (required for functionality scoring)	1. Qualifications of key personnel.	✓	
	2. Proposal Meeting Scope Requirements.	✓	
	3. Previous Relevant Assignments of Personnel.	✓	
	4. Reference List of Company and Personnel.	✓	

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

	5. Delivery Time for Task Order.	✓	
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Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1.	
2.	
3.	

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

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

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

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


Invitation to Tender No: _____

Name of company/JV: _____

Country of registration: _____

Name of contact person: _____


Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

Contact details of contact person:

Tel (landline):	
Cell phone:	
e-mail address:	

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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 or CIPC disclosure certificate (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)	
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 or CIPC disclosure certificate	
VAT registration number	

Controlled Disclosure


	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury _____
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 [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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:

- 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.

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: _____

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE C

INTEGRITY DECLARATION FORM


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

1. DECLARATION OF INTEREST

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

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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 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.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		


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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><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	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [Position] _____ hereby declare that I am the duly authorised representative of _____ [Name of Tenderer].

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

I further declare that the following individuals and/or entities listed hereunder are Shareholders in _____ [Name of Tenderer]:

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

Individuals:

Full Name	Identity Number	Shareholding Percentage


Other Entities*:

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

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

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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

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

Signature:	
Designation and capacity in which signing	
Date:	

Joint Ventures

I, the undersigned, _____ (full names) 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); and


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 declaration prove to be false; and

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

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


Signature:	
Designation and capacity in which signing	
Date:	

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

(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).

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		


ANNEXURE D

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]					

Controlled Disclosure


	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE 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.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILEING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA /JOINT VENTURES/ SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

MUST BE PROVIDED.


3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE E

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 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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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:-

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

- 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.....

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

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.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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


- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

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SIGNATURE(S) OF BIDDERS(S)

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE F

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

employed by the state?


YES/NO

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

Full Name	Identity Number	Name of State Institution

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

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

3.1 I have read and I understand the contents of this disclosure;


3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

Signature


Date

.....

Position

Name of bidder

Controlled Disclosure


	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE G

TAX EVALUATION QUESTIONNAIRE

Refer to appended documentation.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE H

COMPULSORY DECLARATION

The following particulars must be furnished. In the case of a joint venture, separate declarations in respect of each partner must be completed and submitted.

Section 1: Enterprise details

Name of enterprise	
Contact person	
Email	
Telephone	
Cell	
Fax	
Physical address	
Postal address	

Section 2: Particulars of companies and close corporations

Company / Close Corporation registration number	
---	--

Section 3: SARS information

Tax reference number	
VAT registration number	(state <i>Not Registered</i> if not registered for VAT)

Section 4: CIDB registration number


CIDB Registration number (if applicable)	
--	--

Section 5: Particulars of principals

principal: means a natural person who is a partner in a partnership, a sole proprietor, a director of a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporations Act, 1984, (Act No. 69 of 1984).

Full name of principal	Identity number	Personal tax reference number

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

Attach separate page if necessary

Section 6: Record in the service of the state

Indicate, by marking the relevant boxes with a cross, if any principal is currently or has been within the last 12 months in the service of any of the following:

- | | |
|---|--|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act of 1999 (Act No. 1 of 1999) |
| <input type="checkbox"/> member of any provincial legislature | |
| <input type="checkbox"/> member of the National Assembly or the National Council of Provinces | |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> an official of any municipality or municipal entity | <input type="checkbox"/> an employee of Parliament or a provincial legislature |

If any of the above boxes are marked, disclose the following:

Name of principal	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months


Insert separate page if necessary

Section 7: Record of family member in the service of the state

family member: a person's spouse, whether in a marriage or in a customary union according to indigenous law, domestic partner in a civil union, or child, parent, brother, sister, whether such a relationship results from birth, marriage or adoption

Indicate, by marking the relevant boxes with a cross, if any family member of a principal as Defined in section 5 is currently or has within the last 12 months been in the service of any of the following:

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

- | | |
|---|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act of 1999 (Act No. 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Provinces | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | <input type="checkbox"/> an employee of Parliament or a provincial legislature |

Name of principal	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

Insert separate page if necessary

Section 8: Record of termination of previous contracts with an organ of state

Was any contract between the tendering entity, including any of its joint venture partners, terminated during the past five years for reasons other than the employer no longer requiring such works or the employer failing to make payment in terms of the contract?

☐ Yes ☐ No (tick appropriate box)


If yes, provide particulars (insert separate page if necessary)

Section 9: Declaration

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the tendering entity, confirms that the contents of this Declaration are within my personal knowledge, save where stated otherwise in an attachment hereto, and to the best of my belief is both true and correct, and that:

- i) neither the name of the tendering entity, nor any of its principals, appears on:
- a) the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004 (Act No. 12 of 2004); or
- b) National Treasury's Database of Restricted Suppliers (see www.treasury.gov.za);

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ii) the tendering entity or any of its principals has not been convicted of fraud or corruption by a court of law (including a court outside of the Republic of South Africa) within the last five years;

iii) any principal who is presently employed by the state has the necessary permission to undertake remunerative work outside such employment (attach permission to this declaration);

iv) the tendering entity is not associated, linked or involved with any other tendering entities submitting tender offers;

v) the tendering entity has not engaged in any prohibited restrictive horizontal practices, including consultation, communication, agreement, or arrangement with any competing or potential tendering entity regarding prices, geographical areas in which goods and services will be rendered, approaches to determining prices or pricing parameters, intentions to submit a tender or not, the content of the submission (specification, timing, conditions of contract, etc.) or intention to not win a tender;

vi) the tendering entity has no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;

vii) neither the tenderer nor any of its principals owes municipal rates and taxes or municipal service charges to any municipality or a municipal entity, and are not in arrears for more than three months;

viii) SARS may, on an on-going basis during the term of the contract, disclose the tenderer's tax compliance status to the Employer and, when called upon to do so, obtain the written consent of any subcontractors who are subcontracted to execute a portion of the contract that is entered into in excess of the threshold prescribed by National Treasury, for SARS to do likewise.

Signed _____

Date _____

Name _____

Position _____

Enterprise name _____

NOTE 1: The Standard Conditions of Tender contained in SANS 10845-3 prohibits anticompetitive practices (clause 3.1) and requires that tenderers avoid conflicts of interest, only submit a tender offer if the tenderer or any of his principals is not under any restriction to do business with the Employer (4.1.1) and submit only one tender either as a single tendering entity or as a member in a joint venture (clause 4.13.1). Clause 5.7 also empowers the Employer to disqualify any tenderer who engages in fraudulent and corrupt practice. Clause 3.1 also requires tenderers to comply with all legal obligations.


NOTE 2: Section 30(1) of the Public Service Act, 1994, prohibits an employee (person who is employed in posts on the establishment of departments) from performing or engaging remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department. When in operation, Section 8(2) of the Public Administration Management Act, 2014, will prohibit an employee of the public administration (i.e. municipalities and all national departments, national government components listed in Part A of Schedule 3 to the Public Service Act, provincial departments including the office of the premier listed in Schedule 1 of the Public Service Act and provincial departments listed in schedule 2 of the Public Service Act, and provincial government components listed in Part B of schedule 3 of the Public Service Act) or persons contracted to executive authorities in accordance with the provisions of section 12A of the Public Service Act of 1994 or persons performing similar functions in municipalities, from conducting business with the State or to be a director of a public or private company conducting business with the State. The offence for doing so is a fine or imprisonment for a period not exceeding five years, or both. It is also a serious misconduct which may result in the termination of employment by the employer.

NOTE 3: Regulation 44 of Supply Chain Management regulations issued in terms of the Municipal Finance Management Act of 2003 requires that municipalities and municipal entities should not award a contract to a person who is in the service of the State, a director, manager or principal shareholder in the service of the State or who has been in the service of the State in the previous twelve months.

NOTE 4: Regulation 45 of Supply Chain Management regulations requires a municipality or municipal entity to disclose in the notes to the annual statements particulars of any award made to a close family member in the service of the State.


NOTE 5: Corrupt activities which give rise to an offence in terms of the Prevention and Combating of Corrupt Activities Act of 2004, include improperly influencing in any way the procurement of any contract, the fixing of the price, consideration or other moneys stipulated or otherwise provided for in any contract, and the manipulating by any means of the award of a tender.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

NOTE 6: Section 4 of the Competition Act of 1998 prohibits restrictive horizontal practice, including agreements between parties in a horizontal relationship, which have the effect of substantially preventing or lessening competition, directly, or indirectly fixing prices or dividing markets or constituting collusive tendering. Section 5 also prohibits restrictive vertical practices. Any restrictive practices that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties.

Controlled Disclosure

	Invitation to Tender	Document Identifier	240-114238630	Rev	12
		Effective Date	28 October 2022		
		Review	October 2027		

ANNEXURE I

SUPPLIER DEVELOPMENT, LOCALISATION AND INDUSTRIALISATION (SDL&I) UNDERTAKING

Suppliers will be required to contribute towards the elements of SDL&I, namely: B-BBEE (Black ownership) and Job Creation/Retention for the duration of the contract.

1. B-BBEE

All tenderers must at a minimum maintain or improve their B-BBEE status throughout the contract period.

2. Job Creation

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

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

3. Skills Development

Successful tenderers will be required to develop skills in the fields listed below:

Skills Type	Eskom's Target	Tenderer's Proposal
Eskom Planners (Grid Planners and/or Operations Planners)	2	

The actual targets for skills development will be determined at a transactional level depending on the duration and allocated value of the task order.

Please Note:

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

Signed _____

Date _____

Name _____

Position _____

Enterprise name _____

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