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|  | Invitation to Tender/ Request for Proposal | Document Identifier | 240-114238630 | Rev | 26 |
| | | Effective Date | 17 June 2025 | | |
| | | Review Date | June 2030 | | |

ESKOM HOLDINGS SOC LTD
REQUEST FOR PROPOSAL (RFP)
FOR

THE PROVISION OF A DELIVERY PARTNER (OWNER'S ENGINEER AND FIDIC ENGINEER) FOR THE MEDUPI POWER STATION FLUE GAS DESULPHURIZATION PROJECT.

| | |
|-------------------------------|--|
| Tender number | E1764GCDLPMED |
| Issue date | 04 September 2025 |
| Closing date and time | 03 October 2025 at 10h00 SAST |
| Tender validity period | 180 days from the closing date and time |
| Clarification meeting | <p><u>Non-compulsory</u> clarification meeting with the Representative of the Employer will take place as follows:</p> <p>Date: 11 September 2025 Time: 10h00 am – 13h00 pm SAST Venue: Online Microsoft Teams</p> <p>Meeting Link Join on your computer, mobile app or room device Click here to join the meeting.</p> <p>Microsoft Teams Microsoft Teams Join the meeting now Meeting ID: 383 266 149 069 0 Passcode: CC7Eo7gc</p> <hr/> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee to cyril.ntshonga@eskom.co.za before or on the 10 September 2025 at 16h00 SAST. Further clarifications and responses including any tender Addendums will be posted on Eskom Tender</p> |

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| | <p>Bulletin and tenderers are encouraged to visit the site on regular basis.</p> <p>Please note that if the tender stipulates that a site meeting/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified.</p> |
| <p>Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time.</p> <p><i>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time.</i></p> | <p>https://eTendering.eskom.co.za</p> <p>Use the above link and follow instructions of the E-tendering Help Manual for Suppliers issued with this tender.</p> <p>Note: The proposal shall be submitted in English Language and all correspondence would be in the same language.</p> |

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites all to submit a *tender* for the Provision of a Delivery Partner (Owner’s Engineer and FIDIC Engineer) for the Medupi Power Station Flue Gas Desulphurization Project.

Tender Closing date: 03 October 2025

Tenders are to be submitted electronically via Eskom E-tendering site by the stipulated closing date and time. Make use of the E-tendering Help Manual that is issued with this invitation to tender. It is recommended to visit the e-tender site before closing date to familiarize yourself.

The enquiry documents are supplied to you on the following basis: Free of charge.

The tender is advertised on the Eskom Tender Bulletin - eTendering site (www.eskom.co.za) and National Treasury e-portal (www.etenders.gov.za).

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. The interested bidders / consultancy firms may download the RFP document from the official website (www.eskom.co.za) Eskom Tender Bulletin.

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the *Eskom Representative*. No query or clarification may be addressed to any Eskom official other than the *Eskom Representative*.

Yours faithfully



Brendah Shange

Middle Manager Procurement

Procurement and Supply Chain Management


Date: 04 September 2025

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1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender.

| Number | Description | Annexure | Attached (Y / N / N/A) |
|--------|---|--------------|------------------------|
| 1.1.1 | E-tendering Help Manual for Suppliers (28 August 2023) | Rev 3 | Y |
| 1.1.2 | E-Tenderers E-Tendering Training Acknowledgement Form – 27 January 2025 | | Y |
| 1.1.3 | Authorisation Form | Annexure A | Y |
| 1.1.4 | Acknowledgement form | Annexure B | Y |
| 1.1.5 | Tenderer's particulars | Annexure C | Y |
| 1.1.6 | Integrity Declaration Form | Annexure D | Y |
| 1.1.7 | CPA Requirements for Local Goods/Services | Annexure E | Y |
| 1.1.8 | CPA(IG) for Foreign Goods/Services (if applicable) | Annexure F | Y |
| 1.1.9 | SBD 6.2 Declaration Certificate for Local Production and Local Content | Annexure G1 | Y |
| | Annexure C Local Content Declaration- Summary Schedule | Annexure G2 | Y |
| | Annexure D Imported Content Declaration – Supporting Schedule to Annexure C | Annexure G3 | Y |
| | Annexure E Local Content Declaration- Supporting Schedule to Annexure C | Annexure G4 | Y |
| 1.1.10 | SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline | Annexure H | Y |
| 1.1.11 | SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations | Annexure I | Y |
| 1.1.12 | SBD 4 – Bidders Disclosure | Annexure J | Y |
| 1.1.13 | Employment Equity confirmation | | Y |
| 1.1.14 | Scope of Work/ Specifications for Delivery Partner Services | | Y |
| 1.1.15 | NEC3 Professional Service Contract, including clauses, conditions, Price List and Service Information | | Y |
| 1.1.16 | 240-62044728 Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 10 | 240-62044728 | Y |

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| Number | Description | Annexure | Attached (Y / N / N/A) |
|---------|--|-----------------|------------------------|
| 1.1.17 | Code of Ethics 32-527 | | Y |
| 1.1.18 | Supplier Integrity Pact 240113650212 Rev 2 June 2028 | | Y |
| -1.1.19 | Non-Disclosure Agreement | | Y |
| 1.1.20 | Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | Excell and Word | Y |
| 1.1.21 | SDL&I Bidders Template | | Y |
| 1.1.22 | Quality: 348-10121659 Quality Contractual Requirement for Delivery Partner for Medupi FGD Project Rev A1 signed 20250725. | | Y |
| 1.1.23 | Quality: Form A | | Y |
| 1.1.24 | Quality: Specification | | Y |
| 1.1.25 | Safety: HS Contractual Evaluation Criteria - FINAL 22072025 Health and Safety | | Y |
| 1.1.26 | Safety: HSE Contractual Evaluation Criteria - FINAL 22072025 - Environmental | | Y |
| 1.1.27 | Safety: SHE Specification Rev 2 LNr (003) | | Y |
| 1.1.28 | Safety: Annexure B - Acknowledgement of Eskom OHS requirements 240-77471499 Rev 3 | | Y |
| 1.1.29 | Safety: HSE Contractual Evaluation Criteria - FINAL 22072025 | Excel | Y |
| 1.1.30 | Technical Evaluation Criteria: 348-10048495 TE Strategy for the Provision of Delivery Partner Services for Medupi FGD Project Rev 5 | | Y |
| 1.1.31 | Supplier Development, Localisation & Industrialization (SDL&I) Strategy - Delivery Partner | | Y |
| 1.1.32 | Guidelines & Directive | | Y |
| 1.1.33 | Pricing Schedule | | Y |

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1.2. Tender Data

The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. 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 Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Cyril Ntshonga Address: Eskom Megawatt Park, 1 Maxwell Dr, Sunninghill, Sandton Tel: +27 (11) 800 4691 E-mail: cyril.ntshonga@eskom.co.za.</p> |
| 1.3 Tender documents | <p>The Invitation to tender number is: E1764GCDLPMED</p> <p>See the content list above for the enquiry documents.</p> |
| 1.4 Type of Invitation to Tender | This invitation to tender is: An open Invitation to tender |
| 1.6 Eskom's right to accept or reject any tender | The tender shall be for the whole of the contract. |
| 2.1 Eligibility | <p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><u>Tenderers are ineligible to submit a tender if:</u></p> <ol style="list-style-type: none"> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found 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. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (900MB) for submission and the tenderers may submit more than one submission with the same tender number. |

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| Clause Number from Standard Conditions of Tender | Tender Data |
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| | <p>3. Tenders submitted by a joint venture 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.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this tendering process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(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 to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non-authorized persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work</p> <p>9. A tenderer or its affiliates who have been involved in any capacity in the upfront planning phase will be disqualified from participating in the subsequent tender process for this project.</p> <p>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</p> |
| 2.2 - 2.5 Tender Closing | <p>The deadline for tender submission is: Date: 03 October 2025 Time: 10h00 am SAST</p> <p>Late Tenders will not be accepted</p> <p>Tenders to be uploaded via Eskom Tender bulletin site on the Eskom E- tendering page.</p> |
| 2.7-.2.11 Submitting a tender | <p>For Electronic Tender Submissions. https://eTendering.eskom.co.za</p> <p>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page.</p> |

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| | <ul style="list-style-type: none"> • For E-Tendering, a tenderer's failure to have uploaded tender documents via Eskom Tender bulletin site on the Eskom E-tendering page will render the tender non-responsive. <ul style="list-style-type: none"> ○ The documents need to be uploaded under the folder Technical, Commercial, Financial, and Other. ○ Electronic copy of the tender in a PDF format. (The limit is 50MB per file and total submission of 900MB per submission) ○ In support: Supplier Help Manual guide and video can be found on Eskom E-Tendering page <p>No Zip/condense files can be uploaded No hard copy will be accepted</p> <p>If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void.</p> <p>Please ensure that the submission status is indicated as complete. Use the Supplier Help Manual guide that was issued with this invitation which can also be found on Eskom E-Tendering page.</p> <ul style="list-style-type: none"> • The tender shall be submitted in three (3) separate sections: <ul style="list-style-type: none"> ○ Section 1: Commercial – Commercial, Pricing Schedule and B-BBEE certificate ○ Section 2: Technical – Mandatory, Technical proposal and All Returnable ○ Section 3: Objective Criteria & Contractual Requirements– SDL&I Requirements, SHEQ returnable, Contract data and Annual Financial Statements. <p>This needs to be cleared labelled and identified in the submission. The technical proposal must not include any financial information.</p> |
| 2.12 Tender Validity Period | The tender validity period is 180 days from closing date and time. |
| 2.16 Seeking clarification | The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission. |
| 2.22 Alternative tenders | Alternative tenders are not allowed. |

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| 2.33 Cataloguing | Codification with external involvement does not apply. The Invitation to Tender as a standard includes An Acknowledgement Form which refers to cataloguing should it be needed for the successful tenderer to assist. |
| 2.34 Provision of Security for Performance | Refer to the NEC3 Professional Services Contract document. |
| 3.4 Tender Opening | For E-tendering there will be no public opening of tenders. Tenders will be downloaded electronically for evaluation. |
| 3.5 Tender Prices | Prices will not be read-out. |
| 3.9 Basic Compliance | <p>Basic Compliance with this Request for Proposal requires a tenderer to meet all the following requirements:</p> <ul style="list-style-type: none"> ➤ For E-Tendering, a tenderer's failure to have uploaded tender documents via Eskom Tender bulletin site on the Eskom E-tendering page will render the tender non-responsive. <ul style="list-style-type: none"> ○ The documents need to be uploaded under the folder Commercial, Technical, Financial, and Other (Objective Criteria & Contractual Requirements). ○ Electronic copy of the tender in a PDF format. (The limit is 50MB per file and total submission of 900MB per submission) ○ In support: Supplier Help Manual guide and video can be found on Eskom E-Tendering page. ➤ Other <ul style="list-style-type: none"> ○ Meet the eligibility criteria for a tenderer ○ Submit a complete tender with commercial, technical, financial and objective criteria & contractual requirements). ○ Submission of the mandatory tender returnables as at stipulated deadlines. ○ Central Supplier Database (CSD) number (MAA.....) |
| 3.10 Mandatory tender returnables | <p>A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Request for Proposal will be deemed non-responsive.</p> <p>Tenderer to submit mandatory documents and supporting documentation for mandatory requirements separately, clearly marked as such.</p> <p>A two stage Technical Evaluation Strategy is set out as follows:</p> |

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| | <p>Stage 1: Mandatory Technical Evaluation Criteria (gatekeepers) are ‘must meet’ criteria. These criteria shall not be weighted, or point scored but shall be assessed on a Yes/No basis as to whether or not the criteria are met. An assessment of ‘No’ against any criterion shall technically disqualify the tenderer and the tender shall not be further evaluated against Qualitative Criteria.</p> <p>Stage 2: Qualitative Technical Evaluation Criteria are weighted evaluation criteria used to identify the highest ranked tenderer after determining that all the Mandatory Evaluation Criteria have been met. The Qualitative Evaluation Criteria are weighted to reflect the relevant importance of each criterion. The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%. A weighted score-card approach is used to evaluate the compliance of the tenders against the specifications. The evaluation of the tender submission will be based on the tenderer’s ability to meet the Engineering, Project Management and FIDIC Engineer services requirements.</p> <p>Mandatory Technical Evaluation Criteria / Gatekeepers</p> <p>Notes to tenderer:</p> <ol style="list-style-type: none">1. In order to be eligible for evaluation the tenderer shall meet the gatekeepers specified on table 2 below.2. In compliance with Mandatory Criteria 1 - Provide at least three (3 off) reference projects with contact details of the client company representatives, location of the project and site.3. Eskom intends to visit some of the projects to verify and obtain further information on experience. <p>Mandatory Evaluation Criteria</p> <table><tr><th>#</th><th>Mandatory Technical Criteria Description</th><th>Source of Evidence</th><th>Motivation for use of Criteria</th></tr><tr><td>1.</td><td>At least 3 completed similar-scale infrastructure/industrial retrofit projects in large-scale (>500 MW) power plants (including non-FGD</td><td>Complete Appendix A (Fill-in sheet 1)</td><td>Proof of experience</td></tr></table> | # | Mandatory Technical Criteria Description | Source of Evidence | Motivation for use of Criteria | 1. | At least 3 completed similar-scale infrastructure/industrial retrofit projects in large-scale (>500 MW) power plants (including non-FGD | Complete Appendix A (Fill-in sheet 1) | Proof of experience |
| # | Mandatory Technical Criteria Description | Source of Evidence | Motivation for use of Criteria | | | | | | |
| 1. | At least 3 completed similar-scale infrastructure/industrial retrofit projects in large-scale (>500 MW) power plants (including non-FGD | Complete Appendix A (Fill-in sheet 1) | Proof of experience | | | | | | |

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| | 2. | Proof of previous appointment as a FIDIC Engineer | Complete Appendix B (Fill-in sheet 2) | Proof of experience |
| | 3. | Proof of wet FGD technology application | Complete Appendix C (Fill-in sheet 3) | Proof of experience |
| 3.13 Functionality requirements | <p>Functionality requirements are applicable.</p> <p>The following Qualitative Evaluation Criteria will be applicable for this transaction under functionality criteria:</p> <p>The qualitative evaluation criteria evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a minimum weighted final score (threshold) required for a tender to be considered from a technical perspective which is 70%.</p> <p>Notes to tenderer:</p> <ol style="list-style-type: none"> 1. Tenderer may provide more than one resource to cover the required skills as per the scope of work with motivation. Provide CVs and supporting documents for additional resources 2. An undertaking is required to ensure that the resources identified will remain unchanged upon the award of the Contract unless by agreement with Eskom. If changes to resources are necessary under exceptional circumstances, the replacement resources shall possess the same level of experience and qualifications, or higher. Eskom reserves the right to approve the replacement resource (mandatory) and this applies across the life of the project not just at the beginning). 3. Proposed personnel should have experience relevant to the Works specified in this tender. CVs of all resources should be submitted 4. It is a requirement that the key personnel, in particular, have good written and spoken communication skills in the English language. 5. Where no information is offered by the Tenderer, no points shall be allocated for scoring. 6. The maximum score allocated to a specific criterion will change depending on the number of resources proposed by the tenderer for that criterion. Currently all maximum scores are allocated with the | | | |

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| | <p>assumption of one resource being proposed. For example, if the maximum score for a criterion is 50% of the total score for that section and if the tenderer proposes two resources, then that maximum score will become 25% per resource (total of 50%) and each resource will be assessed against the evaluation criteria. This process allows for all tenders, irrespective of the number of resources, to be fairly adjudicated.</p> <p>7. In a case where a specialist/lead resource is not professionally registered, the DP shall provide a suitable registered person with the specialist/lead resource to ensure compliance with work in South Africa. Tenderer must provide CV's for both the specialists and the registered resource for evaluation.</p> <p>8. Tender supporting document may be a brief summary of the project scope and the responsibility of the Engineer/resource, reference list with details of assignment and supporting letters from the clients, reports with Engineer/resource's authorship or contribution, certificates, etc.</p> <p>Overview of the Functionality Criteria</p> <table border="1"> <thead> <tr> <th>Functionality Criteria</th><th>Maximum number of points/percentages</th></tr> </thead> <tbody> <tr> <td>Technical</td><td>100%</td></tr> <tr> <td>Overall minimum threshold for functionality to proceed to the next phase</td><td>70%</td></tr> </tbody> </table> <p>Refer to the Detailed Tender Evaluation Strategy – TES document number 348-10048495 for the Provision of DP for Medupi Power Station FGD Project Rev 5.</p> <p>Tenderers who do not meet the minimum 70% threshold for functionality scoring will be disqualified and not be evaluated further.</p> | Functionality Criteria | Maximum number of points/percentages | Technical | 100% | Overall minimum threshold for functionality to proceed to the next phase | 70% |
| Functionality Criteria | Maximum number of points/percentages | | | | | | |
| Technical | 100% | | | | | | |
| Overall minimum threshold for functionality to proceed to the next phase | 70% | | | | | | |
| 3.15 Evaluation of Price | <p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> 1. Inclusive of VAT; 2. Corrected for arithmetical errors; 3. Excluding contingencies in any bill of quantities or activity schedule' 4. Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and | | | | | | |

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| | <p>5. 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.</p> <p>6. Unconditional discounts will be taken into account for evaluation purposes.</p> <p>7. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected.</p> <p>Prices will be scored out of 90 points.</p> |
| 3.18 Evaluation of Specific Goals | <p>Specific goals will be scored out of 10 points in accordance with the PPPFA.</p> <p>To claim preference points as specific goals, a tenderer must submit the following documentation:</p> <ul style="list-style-type: none"> Valid B-BBEE certificate issued by a SANAS accredited verification agency/affidavit/ CIPC affidavit. Proof of ownership (CIPC documentation) and breakdown of Shareholding information Certified ID copies of shareholder(s) Proof of Disability (where applicable). In a case of a trust, consortium or joint venture (including incorporated consortia and joint ventures), a consolidated B-BBEE status level verification certificate. <p>Tenderers who do not submit B-BBEE Status Level Verification Certificates or non-compliant contributors to B-BBEE will not qualify for preference points for B-BBEE however will not be disqualified from the tender process. Such a tenderer will score points out of 90 for price and 0 points out of 10 for B-BBEE status.</p> <p>A tenderer may not be awarded points for specific goals if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for. If the Tenderer did not submit a valid B-BBEE Certificate during the Tender close, it will</p> |

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| | <p>be required to submit it before the contract may be awarded to it if it is the highest scoring Tenderer.</p> <p>A maximum of 10 points will be awarded to a tenderer for the specific goal specified for the tender.</p> <table border="1"> <thead> <tr> <th></th><th>POINTS</th></tr> </thead> <tbody> <tr> <td>PRICE</td><td>90</td></tr> <tr> <td>SPECIFIC GOALS</td><td>10</td></tr> <tr> <td>Total points for Price and SPECIFIC GOALS</td><td>100</td></tr> </tbody> </table> <p>Specific Goals</p> <table border="1"> <thead> <tr> <th>B-BBEE Status Level of</th><th>Number of Points (90/10 system)</th></tr> </thead> <tbody> <tr><td>1</td><td>10</td></tr> <tr><td>2</td><td>9</td></tr> <tr><td>3</td><td>6</td></tr> <tr><td>4</td><td>5</td></tr> <tr><td>5</td><td>4</td></tr> <tr><td>6</td><td>3</td></tr> <tr><td>7</td><td>2</td></tr> <tr><td>8</td><td>1</td></tr> <tr> <td>Non-compliant contributor</td><td>0</td></tr> </tbody> </table> <p>Tender Returnable if the above elements are requirements.</p> <ul style="list-style-type: none"> Valid original or certified copy of 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/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. <p>A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but (a) may only score points out of 90 for price and (b) scores 0 points out of 10 for specific goals.</p> | | POINTS | PRICE | 90 | SPECIFIC GOALS | 10 | Total points for Price and SPECIFIC GOALS | 100 | B-BBEE Status Level of | Number of Points (90/10 system) | 1 | 10 | 2 | 9 | 3 | 6 | 4 | 5 | 5 | 4 | 6 | 3 | 7 | 2 | 8 | 1 | Non-compliant contributor | 0 |
| | POINTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRICE | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SPECIFIC GOALS | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total points for Price and SPECIFIC GOALS | 100 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B-BBEE Status Level of | Number of Points (90/10 system) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non-compliant contributor | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.19 Ranking of tenders | <p><u>Ranking of Tenders</u></p> <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <ul style="list-style-type: none"> the 90/10 system for requirements with a Rand value above R50 million (all applicable taxes included); <p>Tenderers will be ranked by applying the preferential point scoring for the 90/10 system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.</p> <p>A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p> <p>A maximum of 90 points is allocated for price on the following basis:</p> <p>TABLE: PREFERENCE POINT SYSTEM</p> <table> <tr> <th>Adjudication Criteria</th><th>Points</th></tr> <tr> <td> P $= 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$ </td><td>90</td></tr> </table> <p>Where: Ps = Points scored for price of Bid under consideration Pt = Rand value of Bid under consideration Pmin = Rand value of lowest acceptable Bid</p> <p>TABLE 5: BBBEE LEVEL SCORE</p> <table> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (90/10 system)</th></tr> <tr><td>1</td><td>10</td></tr> <tr><td>2</td><td>9</td></tr> <tr><td>3</td><td>6</td></tr> <tr><td>4</td><td>5</td></tr> <tr><td>5</td><td>4</td></tr> <tr><td>6</td><td>3</td></tr> <tr><td>7</td><td>2</td></tr> <tr><td>8</td><td>1</td></tr> </table> | Adjudication Criteria | Points | P $= 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$ | 90 | B-BBEE Status Level of Contributor | Number of points (90/10 system) | 1 | 10 | 2 | 9 | 3 | 6 | 4 | 5 | 5 | 4 | 6 | 3 | 7 | 2 | 8 | 1 |
| Adjudication Criteria | Points | | | | | | | | | | | | | | | | | | | | | | |
| P $= 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$ | 90 | | | | | | | | | | | | | | | | | | | | | | |
| B-BBEE Status Level of Contributor | Number of points (90/10 system) | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 10 | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 9 | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 6 | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 5 | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 4 | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 3 | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 2 | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 1 | | | | | | | | | | | | | | | | | | | | | | |

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| | Non-compliant contributor | 0 | | | | | | |
| | <p>In the event that companies submitting a joint venture or a consortium, a consolidated BBBEE certificate from an accredited verification agency must be submitted.</p> <p>The responsive tenderer with the highest points will proceed to the next stage of evaluation.</p> <p>Prequalification criteria in terms of the 2017 PPPFA Regulations: Not Applicable.</p> | | | | | | | |
| 3.20 Objective Criteria | <p>Objective criteria may change award from the highest ranked tenderer to another tenderer in accordance with the requirements of the PPPFA [clause 2(1)(f)]. The above requirements may result in the Tenderer being considered non-response if it does not commit to the implementation of the listed requirements.</p> <p>SDL&I approach to DP services</p> <p>This is first time Eskom procures the required services therefore if the winning tenderer is an international DP firm, it will be expected to mentor a South African project and engineering management firm of their choice. If the winning tenderer is a South African engineering firm, it is expected to mentor a small emerging project and engineering management consulting firm that is Black Owned.</p> <p>Either firm would also be expected to develop skills These SDL&I undertakings will be as follows, covering different scenarios:</p> <p>(a) Supplier Development (Mentorship/Coaching and Sub-Contracting / Sub-Consulting)</p> <table><tr><th>Bidder</th><th>Bid Requirements</th><th>Condition for Contract Award</th></tr><tr><td>Non-South African Firm</td><td>Commits to mentor/coach and sub-consult at least</td><td>Yes</td></tr></table> | | Bidder | Bid Requirements | Condition for Contract Award | Non-South African Firm | Commits to mentor/coach and sub-consult at least | Yes |
| Bidder | Bid Requirements | Condition for Contract Award | | | | | | |
| Non-South African Firm | Commits to mentor/coach and sub-consult at least | Yes | | | | | | |

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| | | 25% to a South African Firm, preference will be given to those firms that are at least 51% owned by Historically Disadvantaged Individuals (HDI) | | | | | | | | | | | | | | |
| | South African Firm | Commits to mentor/coach and sub-consult at least 25% to a South African Firm that is 51% owned by Historically Disadvantaged Individuals (HDI) | Yes | | | | | | | | | | | | | |
| Sub-Consulting is a non-evaluation and non-disqualification requirement. The modalities for implementation will be agreed upon with the winning bidder. | | | | | | | | | | | | | | | | |
| (b) Skills Development (Professional's Development Programme) | | | | | | | | | | | | | | | | |
| | <table><tr><th>Qualification</th><th>Nr</th><th>Entry Level</th><th>Output</th></tr><tr><td>Project Management</td><td>10</td><td>National Diploma/Degree in Engineering (any Discipline) and Construction experience</td><td>SACPCMP Registration and FIDIC Suite of Contracts Competency</td></tr><tr><td>Professional Engineer</td><td>8</td><td>B-Engineering Degree and</td><td>ECSA Registration and FIDIC Suite of</td></tr></table> | Qualification | Nr | Entry Level | Output | Project Management | 10 | National Diploma/Degree in Engineering (any Discipline) and Construction experience | SACPCMP Registration and FIDIC Suite of Contracts Competency | Professional Engineer | 8 | B-Engineering Degree and | ECSA Registration and FIDIC Suite of | | | |
| Qualification | Nr | Entry Level | Output | | | | | | | | | | | | | |
| Project Management | 10 | National Diploma/Degree in Engineering (any Discipline) and Construction experience | SACPCMP Registration and FIDIC Suite of Contracts Competency | | | | | | | | | | | | | |
| Professional Engineer | 8 | B-Engineering Degree and | ECSA Registration and FIDIC Suite of | | | | | | | | | | | | | |

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| | | | Project experience | Contracts Competency |
| | Professional Technologist or Technician | 7 | National Diploma/Degree in Engineering (any Discipline) and Construction experience | ECSA Registration and FIDIC Suite of Contracts Competency |
| | Construction Safety Officer | 5 | Degree/ Advanced Diploma or relevant Qualification in Safety Management and Construction experience | SACPCMP Registration and FIDIC Suite of Contracts Competency |
| | Quality Auditors/ Assessors | 5 | Degree/Advanced Diploma or relevant Qualification in Quality Management and Construction experience | IRCA and SAATCA Registration and FIDIC Suite of Contracts Competency |
| | Environmentalist | 5 | Degree/Advanced Diploma: Environmental Science or Management | South African Council of Natural Scientist Professionals (SACNASP) Registration and FIDIC Suite of Contracts Competency |

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| | Quantity Surveyors | 10 | Degree/Advanced Diploma Quantity Survey and Construction experience | South African Council for Quantity Surveying Profession (SACQSP) and FIDC Suite of Contracts Competency. |
| | TOTAL | 50 | | |
| <p>The beneficiaries for Skills Development shall be South Africans, preferably from Limpopo Province and reflective of the population demographics of the area of operations.</p> <p>National Industrial Participation Programme:</p> <p>Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with a foreign component or content of USD 5 million or more.</p> <p>“NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively using the instrument of government procurement. The NIPP programme is mandatory for all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding USD 5 million.</p> <p>“The programme targets South African and foreign industries, enterprises, and suppliers of goods and services to government/parastatals, where the imported content of such goods and services equals to or exceeds USD 5 million. The first customer of NIPP is the South African industry that benefits through the NIPP business plans, which, when implemented, generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, R&D, and technology transfer.</p> <p>“Companies with an NIPP obligation must sign this obligation agreement with the Department of Trade, Industry and Competition</p> | | | | |

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| | <p>(DTIC) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the DTIC and the supplier. It defines the NIPP obligation value(s), requirements to fulfil the NIPP obligation, performance milestones, performance monitoring processes, and the NIPP credit allocation criteria.</p> <p>“All tenders with an import content that is equal to or exceeds the threshold of USD 5 million compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the DTIC before signing the contract with Eskom.”</p> <p>Refer to SDL&I Strategy document.</p> |
| 3.21 Reverse e-auction | Reverse e-auction is not applicable |
| Contractual Requirements | <p>Contractual Requirements are not evaluation criteria. They will be assessed after the evaluation and ranking of the tenders. Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award.</p> <p>Failure to meet stipulated Contractual Requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p><u>Contractual Requirements includes:</u> -</p> <ul style="list-style-type: none"> • Safety and Health requirements. • Quality requirements. • Financial viability (submission of financial statements) • SDL & I requirements. • Central Supplier Database (CSD) MAA number / Proof of CSD registration. • Insurance, Tax Implications, Legal and contract management requirements. • Any other as stipulated. <p><u>Financial Viability</u></p> <p>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 are</p> |

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| | <p>required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender, they will be required to send statements for the first year when once available.</p> <p>The conditions of the contract will be the NEC3 Professional Service Contract.</p> <p>Documents/actions that are required during execution of the contract are contractual conditions and compliance thereto must be managed in terms of the contract.</p> <p>SDL&I approach to DP services</p> <p>Contractual Requirements:</p> <p>(a) Maintain and/or improve B-BBEE Status:</p> <p>Awarded Consultant is expected to maintain or improve their B-BBEE Recognition Level for the duration of the contract and the foreign company will be expected to comply with South African Law once it has been awarded the Contract.</p> <p>(b) Corporate Social Investment (CSI)</p> <p>The Consultant will be expected to spend at least Five Percent (5%) of the Contract Value on CSI initiatives that would be agreed upon with Eskom.</p> <p>(c) Reporting and Monitoring</p> <ul style="list-style-type: none"> The winning Bidder shall complete and submit the SDL&I Implementation Schedule within 60 days of contract award. This SDL&I Implementation Schedule will be used as a reference document for monitoring, measuring, and reporting on the Consultant's progress in delivering on their stated SDL&I commitments. The Consultant shall, on a quarterly basis, submit a report to Eskom in accordance with Quarterly Reporting Template on their compliance with the SDL&I obligations described above. |

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| Clause Number from Standard Conditions of Tender | Tender Data | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---------------|---------------|----|------------------------------|--------------------------|--|----|--------------------------------|----|--------------------|----|---------------------|----|---------------|----|--------------------|-----|------------------|-----|-----------------------------|-----|-------------------------|-----|----------------------------|---|-----------------------------------|
| | <ul style="list-style-type: none"> Eskom shall review the SDL&I reports submitted by the Consultant within 30 (thirty) days of receipt of the reports and notify the supplier on its performance progress. Upon notification by Eskom that the supplier is not meeting its SDL&I obligations, the Consultant shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report. <p>(d) SDL&I Penalty to correct non-performance</p> <ul style="list-style-type: none"> Eskom shall retain a cash equivalent of 1.5% per invoice, should the Consultant fail to rectify the variance in its SDL&I performance in accordance with its implementation schedule. This amount shall be released back to the Consultant once the variance has been closed or SDL&I's obligations are fulfilled. <p>Refer to SDL&I Strategy document.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.24 Sign form of Agreement / Contractual Conditions | <p>The contract terms and conditions will be based on a New Engineering & Construction Contract, NEC3 PSC with Eskom-specific conditions as follows:</p> <table border="1"> <thead> <tr> <th>Main Option G</th><th>Term Contract</th></tr> </thead> <tbody> <tr> <td>W1</td><td>Dispute Resolution procedure</td></tr> <tr> <td colspan="2">Secondary Options</td></tr> <tr> <td>X1</td><td>Price adjustment for inflation</td></tr> <tr> <td>X2</td><td>Changes in the law</td></tr> <tr> <td>X3</td><td>Multiple currencies</td></tr> <tr> <td>X7</td><td>Delay damages</td></tr> <tr> <td>X9</td><td>Transfer of rights</td></tr> <tr> <td>X10</td><td>Employer's Agent</td></tr> <tr> <td>X11</td><td>Termination by the Employer</td></tr> <tr> <td>X18</td><td>Limitation of liability</td></tr> <tr> <td>X20</td><td>Key Performance Indicators</td></tr> <tr> <td>Z</td><td>Additional conditions of contract</td></tr> </tbody> </table> | Main Option G | Term Contract | W1 | Dispute Resolution procedure | Secondary Options | | X1 | Price adjustment for inflation | X2 | Changes in the law | X3 | Multiple currencies | X7 | Delay damages | X9 | Transfer of rights | X10 | Employer's Agent | X11 | Termination by the Employer | X18 | Limitation of liability | X20 | Key Performance Indicators | Z | Additional conditions of contract |
| Main Option G | Term Contract | | | | | | | | | | | | | | | | | | | | | | | | | | |
| W1 | Dispute Resolution procedure | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary Options | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X1 | Price adjustment for inflation | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X2 | Changes in the law | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X3 | Multiple currencies | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X7 | Delay damages | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X9 | Transfer of rights | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X10 | Employer's Agent | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X11 | Termination by the Employer | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X18 | Limitation of liability | | | | | | | | | | | | | | | | | | | | | | | | | | |
| X20 | Key Performance Indicators | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Z | Additional conditions of contract | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Clause Number from Standard Conditions of Tender | Tender Data |
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| | <p>Z clauses:</p> <p>Z1: Cession delegation and assignment Z2: Joint Ventures Z3: Change of Broad Based Black Economic Empowerment (B-BBEE) status Z4: Confidentiality Z5: Waiver and estoppel: Add to core clause 12.3 Z6: Core clause 21.1 Z7: Assessing the amount due – replace core clause 50 Z8: Payment – replace core clause 51 Z9: Notifying compensation events Z10: <i>Employer's</i> limitation of liability Z11: Termination Z12: Delay damages: Addition to secondary option X7 Delay damages Z13: Ethics Z14: Insurance Z15 Supplier Development, Localisation and Industrialisation (SDL&I) Z16 X9 – Transfer of Rights Z17 Security clearance</p> <p>Incentive Framework – Summary of proposed provisions (subject to finalization post-FGD EPC contract negotiations)</p> <p>1. Purpose and Alignment with Contract Clause X20 In accordance with Secondary Clause X20 (Key Performance Indicators), the Parties acknowledge and agree to include performance-based incentives within the Agreement to align the DP's interests with project outcomes. The intention is to ensure that the DP shares both the risk and reward associated with project performance.</p> <p>2. Proposed high-level Incentives (Indicative and subject to finalization) The following performance-based incentives are proposed and shall be negotiated and finalized subsequent to the EPC tender and contract award phase:</p> <p>2.1. Schedule Adherence Incentive The DP shall support and drive the EPC Contractor to achieve the FGD retrofit compliance date of 01 April 2030, as set by the Department of Forestry, Fisheries and the Environment (DFFE).</p> |

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| | <p>Incentives may be payable if the DP facilitates earlier delivery, subject to feasibility of the EPC's proposed schedule.</p> <p>2.2. Environmental Performance Incentive The DP shall ensure that the EPC Contractor's design achieves sulphur dioxide (SO₂) emissions not exceeding 400 mg/Nm³. A performance incentive shall be payable should the system achieve a stricter limit of 200 mg/Nm³ without incurring additional costs.</p> <p>2.3. Project Management (FIDIC Engineer/Project Manager Role) As the appointed FIDIC Engineer (and by extension the Project Manager), the DP shall be incentivized for successful project delivery on time, within budget, and to the specified quality standards.</p> <p>2.4. Cost Efficiency Incentive The DP shall endeavour to achieve a minimum cost saving of 5% against the EPC contract baseline value, and to ensure total contract expenditure does not exceed agreed thresholds. This incentive is to be further detailed and agreed in due course.</p> <p>2.5. Defect-Free Plant Handover Incentives shall be payable if the plant is handed over to the Client (Eskom Generation Division) with zero outstanding defects at the point of takeover.</p> <p>2.6. Training Compliance Incentive The DP shall ensure that all Eskom training requirements are met within five (5) years from the Effective Date of the Contract. Full compliance shall trigger the associated incentive. A contract will be awarded once all the evaluation criteria have been met and negotiations have taken place (where applicable).</p> |
| 2.28 CIDB Requirements | Not applicable. This is a professional services contract. |
| 2.29 Contract Skills Development Goals (CSDG) | Not applicable. This is a professional services contract. |

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:

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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 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 its 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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1.2 TENDER RETURNABLES

The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE THE FOLLOWING: -

* Returnables required at Tender closing (disqualifiable): -

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

** Returnable required at Tender closing (non-disqualifiable): -

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.

Returnables required at Tender Closing date and time for evaluation: -

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

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| Reference | Returnable From Suppliers | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable)** | Returnable required prior to Contract Award. |
|---|--|---|---|--|
| COMMERCIAL EVALUATION CRITERIA | | | | |
| Basic Compliance | Electronic copy of the tender in a PDF format before stipulated deadline. (The limit is 50MB per file and total submission of 900MB per submission) | ✓ | | |
| Annexure A | Authorisation Form | | ✓ | |
| Annexure B | Acknowledgement Form | | ✓ | |
| Annexure C | Tenderers Particulars | | ✓ | |
| Annexure D | Integrity Pact Declaration form | | ✓ | |
| Annexure E | CPA for local goods/services (if applicable) | | ✓ | |
| Annexure F | CPA(IG) for imported goods/services (if applicable) | | ✓ | |
| Annexure H | SBD 1- to be completed and submitted by all tenderers (applicable for all suppliers including Foreign suppliers) | | | ✓ |
| Annexure J | SBD 4 – Bidders Disclosure | | ✓ | |
| E-tendering Help Manual acknowledgement form | Acknowledgement Form | | ✓ | |
| Tax Clearance Certificates | A certified copy of a tax clearance certificate is required from <ul style="list-style-type: none"> - foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) - local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). | | | ✓ |

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|--|--|---|--|--|
| | Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required. | | | |
| Tax Evaluation Questionnaire | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE | | | ✓ |
| Compliance with Employment Equity Act | To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only) | | | ✓ |
| NEC3 Professional Service Contract | NEC3 Professional Service Contract, <u>completed in full.</u> - C1.1 Form of Offer and Acceptance - C1.2 Contract Data (Part Two – Data provided by the <i>Consultant</i>) | ✓ | | |
| Pricing schedule | Completed pricing schedule (pdf) & excel | ✓ | | |
| | MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE | | | |
| Mandatory Contractual Requirement | Proof of valid and current CSD Registration (CSD number / CSD Report) | | | ✓ |
| | ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE | | | |
| Due Diligence/financial analysis | Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. | | | ✓ |

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| | <p>In the case of a joint venture or special purpose vehicle (SPV) specially formed for this tender, audited financial statements for each participant in the JV / SPV must be submitted.</p> <p>Start-up enterprises formed within the last 12 months are not required to submit audited financial statements, but if successful in this Invitation to Tender; will be required to furnish statements for the first year once available.</p> | | | |
| | LOCAL AREA SUPPORT | | | |
| Corporate Social Investment | The Consultant will be expected to spend at least Five Percent (5%) of the Contract Value on CSI initiatives that would be agreed upon with Eskom. | | | ✓ |

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|--|---|---|--|--|
| SUPPLIER DEVELOPMENT LOCALISATION AND INDUSTRIALISATION | | | | |
| Local production and content | Annexure G2- Local content Declaration-Summary Schedule (annex C) | | ✓ | |
| | Annexure G3 - Imports Declaration-Supporting schedule to Annex C (annex D) | | ✓ | |
| | Annexure G4 - Local Content Declaration-Supporting Schedule to Annex C (annex E) | | ✓ | |
| | SBD 6.2 -Declaration certificate for local production and content | | ✓ | |
| SDL&I bidder document | SDL&I Bidder Template (signed) | | ✓ | |
| Company Documents | <ul style="list-style-type: none"> CIPC Registration Documents | | ✓ | |
| | <ul style="list-style-type: none"> Financial Statements <p>Audited Financial Statements of the tenderer 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.</p> | | ✓ | |
| | ID copy of Member/s, Shareholder/s and/or Director/s | | | ✓ |
| | Share Certificate/s | | | ✓ |
| Annexure I | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations | | ✓ | |

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| 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. | | ✓ | |
| | 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. | | | ✓ |
| # Specific Goals | <p>A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.</p> <p>NB: The following documents are required to claim preference points,</p> <ul style="list-style-type: none"> Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown Certified ID copies of shareholder(s) Proof of Disability (where applicable) <p>KEY NOTES OF DETERMINING VALIDITY OF B-BBEE SWORN AFFIDAVITS:</p> <p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ol style="list-style-type: none"> Name/s of deponent as they appear in the identity document and the identity number. Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. (Mark the applicable option). Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black | | ✓ | |

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| | <p>beneficiaries must be reflected. <u>(No blank spaces to be left)</u>.</p> <p>e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. <u>(Mark the applicable option)</u>.</p> <p>f) Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. <u>(Financial year end to be stipulated by day/month/year)</u>.</p> <p>g) B-BBEE Status level. An enterprise can only have one status level. <u>(Tick applicable level)</u></p> <p>h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</p> <p>i) Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u></p> <p>Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.</p> <p>B-BBEE certificate to be used for scoring purposes, if the certificate is not submitted with the tender, the tenderer will score zero (0) and will not be disqualified</p> | | | |
|--|---|--|--|--|

EVALUATION CRITERION

Engineering Evaluation Score Breakdown

Engineering Qualitative Criteria


| Category | | | Reference to Technical Specification / Tender Returnable | Criteria Weighting (%) | Criteria Sub-Weighting (%) |
|----------|----------------------------------|---|---|------------------------|----------------------------|
| 1. | Organisational Capability | | | 8% | |
| | 1.1. | Organisational structure and resourcing model | Provide (minimum) the following details: <ul style="list-style-type: none"> Company history in relation to Emission reduction technologies (SOx, NOx, PM and other AQC systems). | 3% | |

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| Category | | | Reference to Technical Specification / Tender Returnable | Criteria Weighting (%) | Criteria Sub-Weighting (%) |
|----------|------|---|---|------------------------|----------------------------|
| | | | <ul style="list-style-type: none"> Information on organisational structure, employee count, employee turnover in the past 5 years, company geographic presence, proven track record in successful projects delivery over the past 5 years. Resource loaded Medupi FGD Project DP staffing plan. A proposal showing the tenderer's understanding of the scope of services. Confirmation letter regarding the availability of resources throughout the project. | | |
| | 1.2. | Governance and reporting approach | <p>Proposal from the tenderer must indicate the following at minimum:</p> <ul style="list-style-type: none"> A document detailing intended Project Management and Administration Strategy. The document must clearly address intended systems, processes and structures per Prime Activity and Phase. | 3% | |
| | 1.3. | Quality management and continuous improvement systems | <p>Provide</p> <ul style="list-style-type: none"> Certificates showing compliance with (or certification of competency) international quality, safety and environmental standards | 2% | |

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| Category | | | Reference to Technical Specification / Tender Returnable | Criteria Weighting (%) | Criteria Sub-Weighting (%) |
|-----------|----------------------------|--|--|------------------------|----------------------------|
| | | | (e.g. ISO 9001, 14001, 45001). | | |
| 2. | Relevant Experience | | | 9% | |
| | 2.1. | Experience as DP / OE or equivalent on similar-scale Infrastructure/industrial retrofit projects | Provide, <ul style="list-style-type: none"> • Tabulated project list (as many projects as possible including non-FGD) with the following information <ul style="list-style-type: none"> ○ Client / Project name and contact, year of contract award, year completed, role played, unit size, technology / system(s) installed or investigated, type of project (greenfield/brownfield). • Evidence of past achievements (At least two successfully executed FGD projects): <ul style="list-style-type: none"> ○ Detailed description of work and /or own scope of supply. ○ Own team makeup for particular project ○ Client testimonials. ○ Reports or photographs from completed projects. | 4% | |

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| | 2.2. | Experience as both OE and FIDIC Engineer on major energy or emissions projects | Provide <ul style="list-style-type: none"> Evidence of past achievement as both OE and FE on major energy or emissions projects. A document describing how the tenderer intends to balance technical oversight tasks with contract assurance tasks. | 2% | |
| | 2.3. | Experience in managing commissioning and handover of similar retrofit projects | Provide <ul style="list-style-type: none"> Evidence of past successful commissioning experience of FGD in power plant systems. Sample FGD performance acceptance testing procedure or proposal for FGD performance test for Medupi FGD (any technology). Commissioning sample certificates in either wet FGD or Semi-dry technologies. | 3% | |
| 3. Key Resources and Skills | | | | 60% | |
| | 3.1. | Project Lead | Submit <ul style="list-style-type: none"> CV & qualifications Supporting documents proving <ul style="list-style-type: none"> Experience in large complex mega projects. Experience in managing | 2.0% | |

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| | | | accountability in similar major energy/power plant projects <ul style="list-style-type: none"> ○ Experience in ensuring alignment across all functions of a project ○ Experience in managing retrofit interfaces in power plants. ○ Minimum of 15 years' experience in senior project management role. ○ SACPCMP/PMI registration will be an added advantage. | | |
| | 3.2. | Project Managers | Submit <ul style="list-style-type: none"> • CVs & qualifications • Supporting documents proving <ul style="list-style-type: none"> ○ Experience in Project Management of Power Plants or any similar large plants/industrial projects ○ Experience in the management of project time, quality and budget ○ Experience in managing Construction of | 2.0% | |

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| | | | <ul style="list-style-type: none"> Projects across all life cycle stages <ul style="list-style-type: none"> Competency in Construction Contracts Management SACPCMP registration will be an added advantage. Competency in OSHAct & Construction Regulations Valid Professional registration certificate of registered resource (SACPCMP) | | |
| | 3.3. | Construction Managers | <p>Submit</p> <ul style="list-style-type: none"> CVs & qualifications Supporting documents proving <ul style="list-style-type: none"> Experience in construction team lead Experience in managing Construction of Projects across all life cycle stages Experience in managing physical Construction of the works during execution phase in line with construction methods | 2.0% | |

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| | | | <ul style="list-style-type: none"> ○ Competency in Construction Contracts Management ○ Competency in OSHAct & Construction Regulations ○ SACPCMP registration will be an added advantage. • Valid Professional registration certificate of registered resource (SACPCMP) | | |
| | 3.4. | Commissioning Resources | Submit <ul style="list-style-type: none"> • CVs & qualifications of FGD commissioning specialist and commissioning supervisors • Supporting documents proving <ul style="list-style-type: none"> ○ Experience in Commissioning of FGDs and Wastewater systems in Power Plants ○ Samples of commissioning procedures and manuals for FGD. ○ Knowledge of risk management ○ Experience in Systems Integration | 2.0% | |

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| | | | <ul style="list-style-type: none"> ○ Competency in Construction Contracts Management ○ Competency in OSHAct & Construction Regulations • Specialised areas to be covered by the DP on FGD process, mechanical, electrical and Control Instrumentation: <ul style="list-style-type: none"> ○ Commissioning Specialist ○ Commissioning Supervisor • Copies of relevant certificates | | |
| | 3.5. | Site Supervisors | <p>Submit</p> <ul style="list-style-type: none"> • CVs & qualifications • Supporting documents proving <ul style="list-style-type: none"> ○ Experience in Construction of FGD in Power Plants or any similar large plants/industrial projects ○ Expertise across all technical fields, mechanical, civil, chemical, electrical and C&I. ○ Experience in managing physical Construction of the works during execution phase in | 1.5% | |

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| | | | <ul style="list-style-type: none"> line with construction methods. ○ Experience in management of site related governance and safety, health, environment, risk and quality (SHERQ) requirements ○ Competency in OSHAct & Construction Regulations • Copies of relevant certificates | | |
| | 3.6. | Commercial Resources | Submit <ul style="list-style-type: none"> • CVs & qualifications • Supporting documents proving <ul style="list-style-type: none"> ○ Experience in managing cost reporting, aligns incentives with EPC, and supports commercial governance functions ○ Experience in commercial and cost control management in construction of similar projects ○ In-depth knowledge of tracking and reporting of all | 3.5% | |

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| | | | <ul style="list-style-type: none"> project changes according to change control procedures <ul style="list-style-type: none"> Knowledge of applicable norms and standards for project costing. Specialisation areas to be covered by the DP: <ul style="list-style-type: none"> Commercial Management Claims Specialisation Forensic Planning Quantity Surveying Cost Controlling Copies of relevant certificates Professional Registration certificates | | |
| | 3.7. | Planning and Scheduling Resources | <p>Submit</p> <ul style="list-style-type: none"> CVs & qualifications Supporting documents proving <ul style="list-style-type: none"> Experience of project planning in power plant construction or similar projects Extensive experience in developing and managing project schedules (logic, risk, resource loading, milestones, float) according to applicable | 2.0% | |

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| | | | <ul style="list-style-type: none"> ○ scheduling tools/software ○ Experience in progress reporting and identification and resolution of schedule risks. ○ Experience in leading schedule integration, risk registers, float recovery strategies and milestone tracking. ○ Specialisation areas to be covered by the DP: <ul style="list-style-type: none"> ○ Management ○ Senior Advisory • Copies of relevant competency certificates (Primavera P6) | | |
| | 3.8. | Risk and Assurance | <p>Submit</p> <ul style="list-style-type: none"> • CVs & qualifications • Supporting documents proving <ul style="list-style-type: none"> ○ Experience of project planning in power plant construction or similar projects ○ Extensive experience in developing and managing risk plans ○ Experience of Risk Management in power plant or | 2.0% | |

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| | | | similar projects and tracking and monitoring of the Risk Register <ul style="list-style-type: none"> ○ Experience in leading integration and managing site ○ Specialisation areas to be covered by the DP: ○ Management ○ Senior Advisory <ul style="list-style-type: none"> • Copies of relevant competency certificates | | |
| | 3.9. | Governance & Reporting Analyst | Submit <ul style="list-style-type: none"> • CVs & qualifications • Supporting documents proving <ul style="list-style-type: none"> ○ Experience in Risk Management and audits, governance and reporting analysis in similar projects ○ Experience in support of Programme Board operations, recording of KPIs/KRAs, preparation of dashboards, and maintaining audit trails • Copies of relevant certificates | 1.5% | |
| | 3.10. | Health & Safety Advisors | Submit <ul style="list-style-type: none"> • CVs & qualifications | 2.5% | |

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| | | | <ul style="list-style-type: none"> Supporting documents proving <ul style="list-style-type: none"> Experience in Occupational Health Safety and Hygiene Knowledge (compliance and certification) of ISO 45001 Occupational Health, Safety and Management systems Experience in leading roles across areas of Health & Safety and Environmental, including Hygiene Management, Risk Assessment, Auditing, Inspections, SHE Culture Initiatives, Oversight and Reporting Experience in the management of regulatory and legislative health, safety and environmental requirements across all the project life cycle stages. Valid Professional registration certificate of | | |

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| | | | registered resource (SACPCMP) | | |
| | 3.11. | Environmental Advisors | Submit <ul style="list-style-type: none"> CV & qualifications Supporting documents proving: Experience in Environment management in construction field Knowledge of development, maintenance and implementation of the Environmental Management systems (SO 14001) Environmental Legislations (Local and International), Waste and water Management, Environmental Impact assessment. <ul style="list-style-type: none"> Experience in leading role in Environmental management at construction field, internal and external stakeholder liaison, including oversight and reporting, environment auditing and inspections, training and awareness, application and implementation of environmental approvals requirements across all the project life cycle stages. Valid professional registration certificate of a | 2.5% | |

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| | | | registered resource (SACNASP) | | |
| | 3.12. | Quality Assurance Manager | Submit <ul style="list-style-type: none"> CV & qualifications of Quality Assurance Manager and Lead Auditor Supporting documents proving <ul style="list-style-type: none"> Experience in oversight and assurance of quality standards in similar projects, including reviews, reporting and inspections Extensive experience in quality management systems, quality control and assurance Experience in the delivery of quality requirements to the meet client expectations Professional registration certificate of registered resource | 2.5% | |
| | 3.13. | Local (Labour) Relationship & Stakeholder Management Lead | Submit <ul style="list-style-type: none"> CV & qualifications Supporting documents proving <ul style="list-style-type: none"> Experience in internal and external | 1.5% | |

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| | | | stakeholder management of similar projects <ul style="list-style-type: none"> ○ Extensive experience in management of identification and engagement of all project stakeholders ○ Knowledge of community engagements ○ Experience in providing leadership and expertise in local relationships and liaison as well as leading stakeholder interactions <ul style="list-style-type: none"> • Copies of relevant certificates | | |
| | 3.14. | Bulk Materials Handling Engineering Resources | Submit <ul style="list-style-type: none"> • CVs & qualifications of resources • Supporting documents demonstrating experience per SoW requirements. • Specialisation areas required <ul style="list-style-type: none"> ○ Sorbent handling ○ Gypsum handling ○ Slurry pumping • Professional registration certificate of registered resource | 2.0% | |

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| | 3.15. | FGD Specialist Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting documents demonstrating experience per SoW requirements. Specialisation areas to be covered by the DP: <ul style="list-style-type: none"> FGD process FGD mechanical FGD performance and testing Professional registration certificate of registered resource | 3.5% | |
| | 3.16. | Welding Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting documents demonstrating experience per SoW requirements Professional registration and relevant certificates of resource | 2.0% | |
| | 3.17. | Quality Resources (QC and QA) | <ul style="list-style-type: none"> CVs & qualifications including Level 2 Welding Inspection Specialisation areas required <ul style="list-style-type: none"> Quality – Mechanical Quality – Civil Quality – Electrical and C&I Quality – Welding (IWT/IWE) Supporting documents demonstrating experience per SoW requirements | 2.5% | |

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| | | | <ul style="list-style-type: none"> Professional registration and relevant certificates of resources | | |
| | 3.18. | Civil & Structural Resources | Provide <ul style="list-style-type: none"> Registered professional engineers to cover the following fields <ul style="list-style-type: none"> Concrete specialist Geotechnical Engineer/Engineering Geologist Dams and Waterways Engineers Civil Engineer Structural Engineering Professional registration shall be determined by the statutory and legislative bodies of South Africa i.e., Engineering Council of South Africa (ECSA) and/or the South African Council for Natural Scientific Professionals (SACNASP) in the case of the Geologist(s). Provide CV with proof of minimum 10 yrs relevant experience. Relevant experience includes specialisation in concrete technology | 2.5% | |
| | 3.19. | Chemical Engineering Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources | 2.5% | |

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| | | | <ul style="list-style-type: none"> Supporting documents demonstrating experience per SoW requirements. Areas of specialisation <ul style="list-style-type: none"> Wastewater Treatment Plant Process Wastewater Treatment Plant Mechanical Laboratory designs Professional registration certificate of registered resource | | |
| | 3.20. | Configuration Management Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Configuration Management Plan according to ISO 10007 Proof of KKS Coding and KKS plant labelling experience with references Proof of stencilling in a power plant with references. Experience in technical documentation and records management Specialisation areas to be covered by DP: <ul style="list-style-type: none"> Configuration Management Document Management | 1.5% | |
| | 3.21. | Arrangement Design Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources | 1.5% | |

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| | | | <ul style="list-style-type: none"> Supporting documents demonstrating experience per SoW requirements. Areas of specialisation required <ul style="list-style-type: none"> Arrangement design - Civils Arrangement design - Structures Arrangement design - Mechanicals Relevant certificates to proof proficiency in CAD software | | |
| | 3.22. | Integration Management Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Professional registration certificate of registered resource Supporting documents to prove knowledge and understanding of plant/systems integration processes. | 1.5% | |
| | 3.23. | Control & Instrumentation Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting documents to show relevant assignments. Areas of Specialisation required: <ul style="list-style-type: none"> C & I CBMS assignments IT/OT assignments Professional registration certificate of registered resource | 2.5% | |

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| | 3.24. | Electrical Engineering Resources | Submit <ul style="list-style-type: none"> CVs & qualifications with a minimum of 5 years' experience of proposed resources Supporting documents to show relevant Electrical plant assignments. Related reference list with contact details for each Engineer. Areas of focus <ul style="list-style-type: none"> Electrical reticulation, MV&LV Switchgear and Protection, Substation Automation Systems, Electrical machines, Standby power systems, cabling, Earthing, lighting, and small power. Professional registration certificate of registered resource. | 2.5% | |
| | 3.25. | Low Pressure Services Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting documents to show relevant assignments. Areas of specialisation <ul style="list-style-type: none"> HVAC Fire Systems General services systems | 2.5% | |

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| Category | | | Reference to Technical Specification / Tender Returnable | Criteria Weighting (%) | Criteria Sub-Weighting (%) |
|----------|-------|------------------------------------|--|------------------------|----------------------------|
| | | | (Compressed Air, Equipment Lifting, Diesel Fuel Oil) <ul style="list-style-type: none"> Professional registration certificate of registered resource. | | |
| | 3.26. | FIDIC Engineer Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting document indicating relevant assignment as FIDIC Engineer and specialisation areas resources Specialisation areas to be covered by DP: <ul style="list-style-type: none"> FIDIC Engineer FIDIC Specialisation Commercial Management Contract Management Copies of relevant competency certificates | 3.0% | |
| | 3.27. | FIDIC Engineer Assistant Resources | Submit <ul style="list-style-type: none"> CVs & qualifications of resources Supporting documents indicating relevant assignment as FIDIC Engineer assistant and specialisation areas resources Specialisation areas to be covered by DP: <ul style="list-style-type: none"> FIDIC Engineer Assistant | 2.5% | |

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|----------|--|---|--|------------------------|----------------------------|
| | | | <ul style="list-style-type: none"> ○ Contract Administration ○ Contract Management • Copies of relevant competency certificates | | |
| 4. | Methodology and Delivery Approach | | | 12% | |
| | 4.1. | Understanding of project context and delivery risks | Provide <ul style="list-style-type: none"> • List of project risks, unique challenges specific to Medupi FGD and description of potential impact(s). • Sample of Medupi FGD interfaces and a description of envisioned interface management approach (consult EPC RFP documents for project interfaces) • List of critical resources to manage the interface risk. • Evidence of the design and commercial approach to interface management. | 5.0% | |
| | 4.2. | Governance model and interface protocols with Eskom and EPC | Provide <ul style="list-style-type: none"> • Sample interface management roles and responsibility chart as well as information flow diagram • Description of tools to be employed to ensure seamless interface management and integration with Eskom tools. | 2.0% | |

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|----------|---|---|---|------------------------|----------------------------|
| | 4.3. | Programme and schedule | Provide <ul style="list-style-type: none"> Medupi FGD Retrofit sample delivery program complete with key milestones and DP's role at each Sample of project execution plan as DP Project controls plan Project information management plan Schedule of Phase 1 tasks | 3.0% | |
| | 4.4. | Training | Provide <ul style="list-style-type: none"> Eskom staff training plan Training / Eskom staff incorporation plan (structure indicating placements of Client's resources) | 2.0% | |
| 5. | Technical Assurance & Innovation | | | 5.5% | |
| | 5.1. | Technical assurance, QA/QC systems, readiness for testing and commissioning oversight | Provide <ul style="list-style-type: none"> Previous / sample quality control protocols / assurance plans | 3.0% | |
| | 5.2. | Innovation in schedule and cost risk mitigation | Provide <ul style="list-style-type: none"> Description of how tenderer will streamline collaboration, improve resource allocation and adapt to unforeseen challenges through the use of advanced program management techniques | 2.5% | |

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| Category | | | Reference to Technical Specification / Tender Returnable | Criteria Weighting (%) | Criteria Sub-Weighting (%) |
|----------|------------------------------|---|---|------------------------|----------------------------|
| | | | and real time data analytics. | | |
| 6. | Compliance Commercial | and | | 5.5% | |
| | 6.1. | Compliance with NEC3 PSC and FIDIC | Provide <ul style="list-style-type: none"> A chart detailing key deliver areas of the project, and the responsibilities and liabilities of all the role players (Eskom, EPC, DP, FIDIC Engineer) | 2.5% | |
| | 6.2. | Pricing structure alignment with TO and project phasing | Provide <ul style="list-style-type: none"> Clear and detailed work breakdown structure and cost breakdown of deliverables and requirements outlined in the SoW | 3.0% | |

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Project/Contract Management Evaluation Scores Breakdown

| Professional Services | 100% |
|--|-------------|
| 1. Organisational Capability | 8% |
| Organisational structure and resourcing model | 3.0% |
| Governance and reporting approach | 3.0% |
| Quality management and continuous improvement systems | 2.0% |
| 2. Relevant Experience | 10% |
| Experience as DP or equivalent on similar-scale infrastructure/industrial retrofit projects | 4.0% |
| Experience as dual DP and FIDIC Engineer on major energy or emissions projects | 3.0% |
| Experience in managing commissioning and handover of similar retrofit projects | 3.0% |
| 3. Key Personnel and Resourcing (Expected services) | 60% |
| Project Lead | 2.0% |
| Project Managers | 2.0% |
| Construction Managers | 2.0% |
| Commissioning Resources – Commissioning Specialist, Commissioning Supervisor | 2.0% |
| Site Supervisors | 1.5% |
| Commercial Resources - Commercial Manager, Claims Specialist, Forensic Planner, Quantity Surveyor, Cost Controller | 2.5% |
| Planning and Scheduling Resources | 2.0% |
| Risk and Assurance Resources - Manager, Advisor | 2.0% |
| Governance & Reporting Analyst | 1.5% |
| Health & Safety Advisors | 2.5% |
| Environmental Advisors | 2.5% |

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| | |
|---|-------------|
| Quality Assurance Manager | 2.5% |
| Local (Labour) Relationship & Stakeholder Management Lead | 1.5% |
| Bulk Materials Handling Engineering Resources | 2.0% |
| FGD Specialist Resources | 3.5% |
| Welding Resources | 2.0% |
| Quality Resources | 3.0% |
| Civil & Structural Resources | 2.5% |
| Chemical Engineering Resources | 2.5% |
| Configuration Management Resources | 1.5% |
| Arrangement Design Resources | 1.5% |
| Lead Engineer - Integration Management | 1.5% |
| Control & Instrumentation Resources | 2.5% |
| Electrical Engineering Resources | 2.5% |
| Low Pressure Services Resources | 2.5% |
| FIDIC Engineer Resources- FIDIC Engineer, FIDIC Specialist, Commercial Manager, Contract Manager | 3.0% |
| FIDIC Engineer Resources - FIDIC Engineer Assistant, Contract Administrator, Senior Document Controller | 2.5% |
| 4. Methodology and Delivery Approach | 11% |
| Understanding of project context and delivery risks | 5% |
| Governance model and interface protocols with Eskom and EPC | 3% |
| Programme and Schedule | 3% |
| 5. Technical Assurance & Innovation | 5.5% |

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|---|-------------|
| Technical assurance, QA/QC systems, readiness for testing and commissioning oversight | 3% |
| Innovation in schedule and cost risk mitigation | 2.5% |
| 6. Compliance and Commercial | 5.5% |
| Compliance with NEC3 PSC and FIDIC | 2.5% |
| Pricing structure alignment with TO and project phasing | 3.0% |

The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.

Occupational Health and Safety Evaluation Criteria – High-level

| Ref. | Eskom Health and Safety Requirements Checklist | Proof required | Yes | No |
|----------|---|----------------|-----|----|
| 1 | Eskom SHE Rules | | | |
| 1.1 | Provide Signed, Acknowledgement form for Eskom SHE Rules and other legislative requirements. <i>Annexure B – submitted as part of tender document. It should be signed by the 16.1 or 16.2 appointee</i> | ✓ | | |
| 2 | Organisational structure and contact details of key persons | | | |
| 2.1 | Provide a copy of your company organogram /structure. (Including roles, responsibility & Accountability) [2.5] • Include legal reference on the organogram | ✓ | | |
| 2.2 | Provide a proposed OHS resource plan for the proposed scope of work. For each position, stipulate the position titles; and the qualifications and competencies that will be required for each position. [2.5] | ✓ | | |

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| Ref. | Eskom Health and Safety Requirements Checklist | Proof required | Yes | No |
|-----------|---|----------------|-----|----|
| 3 | OHS Management System | | | |
| 3.1 | Is there OHS Management System in place and does it conform to a recognised international standard such as ISO? If so, please provide certificate. Proof – ISO 45001:2018 Certificate | ✓ | | |
| 4 | SHEQ Policy | | | |
| 4.1 | Provide a copy of your SHEQ Policy that is signed by your senior management? | ✓ | | |
| 5. | HSE Plan | | | |
| 5.1 | Provide a detailed HSE Plan for the proposed scope of work in response to the SHE specification/requirement. | ✓ | | |
| 6. | Compensation of injuries and disease (COLD) | | | |
| 6.1 | Is your company registered with COLD or with a licensed compensation insurer based on South African legislative requirements and are you still in good standing? If yes, please provide a copy of current valid certificate issued by the Compensation Commissioner. COLD letter should reflect the name of the company and nature of business. | ✓ | | |
| 7. | Costing for OHS | | | |
| 7.1 | Provide a detailed costing for OHS - based on the overall scope of work/services to be performed. | ✓ | | |
| 8. | Hazard identification and risk assessment (HIRA) | | | |
| 8.1 | Provide a copy of typical health and safety risk profile/assessment as per the scope of work as well as | | | |

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| Ref. | Eskom Health and Safety Requirements Checklist | Proof required | Yes | No |
|------------|---|----------------|-----|----|
| | high level interventions that will be implemented to mitigate the risks. | | | |
| 9. | Medical Surveillance Program | | | |
| 9.1 | Provide medical surveillance program for employees | | | |
| 10. | Leadership accountability to drive SHE Culture within organisation | | | |
| 10.1 | Describe how and what measures will taken by senior leadership to actively drive HSE culture with employees and EPC contractor. | | | |
| 11. | References – Provide references of the least two (2) clients | | | |
| 11.1 | Provide Company past experience with references. Provide the following details per client: Client 1: <ul style="list-style-type: none"> Client's name: Description of works, services, product: Duration of contract (specify start and end dates): Value of contract/work/services/product: Contact telephone number/s: Number of 'near misses' reported: Number of Property Damages: Number of first aid injuries: Number of medical cases: Number of lost time injuries: Number of motor vehicle incidents/accidents: Number of fatalities: | ✓ | | |

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| Ref. | Eskom Health and Safety Requirements Checklist | Proof required | Yes | No |
|------|--|----------------|-----|----|
| | <ul style="list-style-type: none"> Largest number of permanent staff members working on the project during the contract period: | | | |

Environmental Evaluation Criteria - High-level

| Ref. | Eskom Environmental Evaluation Criteria | Proof required | Yes | No |
|------|--|----------------|-----|----|
| 1. | Provide a baseline environmental aspect and impact identification covering the in line with scope of work with proposed mitigation measures. Proof – Environmental Aspect and Impact Register | ✓ | | |
| 2 | Is there an Environmental Management System in place and does it conform to a recognised international standard such as ISO? If so, please provide certificate. Proof – ISO 14001:2015 Certificate | ✓ | | |
| 3.. | Provide environmental performance statistics over the previous 5 years for similar size projects (this can include testimonials on environmental performance from previous clients). Proof – Testimonial letters | ✓ | | |
| 5. | Provide operational strategy in line with scope of work. It should include consideration of available EMPs and Environmental Monitoring Plans. Proof -Operational strategy, | ✓ | | |
| 5. | Provide a proposed environmental resource plan for the proposed scope of work. For each position, stipulate the position titles; and the qualifications and competencies that will be required for each position. For identified personnel, please provide comprehensive CV's demonstrating competencies. Proof – Environmental Resource Plan, Organogram and CVs | ✓ | | |
| 6. | Provide the environmental communication strategy to be used as a tool to liaise with key stakeholders internal and external take into account the environmental | ✓ | | |

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| | approvals and Project SHE specifications. Proof Environmental Communication Strategy | | | |
|--|---|--|--|--|

Quality Evaluation Criteria - High-level

The following returnables are applicable under Quality:

- The Tenderer shall submit objective evidence of a developed and implemented QMS that complies with ISO 9001:2015 or any applicable standard of quality management system (the latest applicable revision).
- The Tenderer shall comply with the quality standards outlined in the Medupi FGD Project Delivery Partner Quality Specification (348-930500), and Supplier Quality Management Specification (240-105658000).
- Compliance with Category 1 quality requirements as per the Supplier Quality Management Specification (240-105658000) and all other relevant requirements are mandatory.

The following documents (approved copies, where applicable) shall be submitted.

| SECTION A | |
|--|--|
| Valid certification of Quality Management System by an ISO accredited body | |
| A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant | |
| A.2 Certificate by Approved and Authorized certification authority | |
| A.3 Certification Authority has Recognized International Accreditation | |
| A.4 Validity (expiry date) of certificate | |
| SECTION B | |
| Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000) | |
| B.1 Documented information for defined roles, responsibilities, and authorities. - Organization charts, job descriptions, work instructions, duty statements, manuals, procedures., responsibility matrix (must include but not limited to quality management function/role) | |
| B.2 Documented information for Control of Externally Provided Processes, Products and Services- Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers | |
| B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) – Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. | |
| B.4 Latest copy of an External management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) | |
| B.5 Records of Management Review meetings (minutes, attendance registers etc) | |
| 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) | |
| SECTION D | |
| Quality Control Plan Requirements (Ref 240-105658000) | |

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| |
|---|
| Example of QCP/Checklist/ITP (Quality Control Plan) on similar and /or previous work done. |
| SECTION E User defined additional requirements & miscellaneous (Ref 240-105658000) |
| E.1 Form A is completed and signed. |

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ANNEXURE A

AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below.

| A COMPANY | B CLOSE CORPORATION | C PARTNERSHIP | D JOINT VENTURE | E SOLE PROPRIETOR | F TRUST |
|----------------------|------------------------------------|--------------------------|--------------------------------|----------------------------------|--------------------|
| | | | | | |

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust). Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

A. Certificate for company

I, _____, in my capacity as _____ of the board of directors of _____, hereby confirm that by resolution of the board taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. A certified copy of the resolution of the board is annexed to this Form.


| | |
|----------------|------------------|
| Signed: | Date: |
| Name: | Position: |

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B. Certificate for close corporation

I, _____, in my capacity as member of _____, hereby confirm that by majority vote of the members taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. A certified copy of the members' resolution is annexed to this Form.

| | |
|----------------|------------------|
| Signed: | Date: |
| Name: | Position: |

C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as _____ hereby authorise Mr/Ms _____, acting in his/her capacity of _____, to submit this tender on behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

| Name | Address | Signature | Date |
|------|---------|-----------|------|
| | | | |
| | | | |
| | | | |

NOTE: This certificate is required to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _____, an authorised signatory of _____, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture.

We attach to this Form a certified copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates which member will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

| Name of JV member | Address | Authorised signature, name and capacity |
|-------------------|---------|---|
| Lead member | | |
| Member | | |
| Member | | |

NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.

E. Certificate for sole proprietor

I, _____, hereby confirm that I am the sole proprietor of the business trading as _____


| | |
|----------------|------------------|
| Signed: | Date: |
| Name: | Position: |

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| | |
|--|-------------------|
| | (Sole Proprietor) |
|--|-------------------|

F. Certificate for trust

I, _____, in my capacity as _____ of the board of trustees of _____, hereby confirm that by resolution of the board of trustees taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the trust and to sign all documents in connection with this tender and any contract that may result from it on behalf of the trust. A certified copy of the resolution of the board of trustees is annexed to this Form.

| | |
|----------------|------------------|
| Signed: | Date: |
| Name: | Position: |

NOTE: The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

| | |
|--|--|
| Name of tenderer: | |
| Full names of authorised signatory: | |
| Designation and capacity: | |
| Signature of authorised signatory | |
| Date of signature: | |

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ANNEXURE B

ACKNOWLEDGEMENT FORM

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

| | |
|--|--|
| | |
| | |
| | |

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

Correct as stated in the Invitation to Tender / RFP 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 Invitation to Tender ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender in a previous contract/order [***insert previous contract/order number***] ☐ _____
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder: ☐

4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [***delete whichever is not applicable***] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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Invitation to Tender/Request for Proposal No:

Name of Tenderer: _____

Country of registration: _____

Full names of contact person: _____

Contact details:

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


| | |
|--|--|
| Name of tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Designation and capacity: | |
| Date: | |

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ANNEXURE C

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 individual companies and each JV member) or trust number. | |
| VAT registration number (for individual companies and each JV member) | |
| CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each 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 in the case of a 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 or CIPC disclosure certificate | |
| VAT registration number | |
| CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data | |
| Proposed Scope of work to be done by sub-contractor | |
| Contact person | |
| Telephone number | |
| Fax number | |
| E-mail address | |
| Postal address | |
| Physical address | |


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

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3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
6. 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 E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

7. If SUB-CONTRACTING is prescribed in the enquiry, tenderers must complete 7.1 to 7.9 below.

7.1 Confirm if you intend sub-contracting

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

7.2 What percentage will you be sub-contracting? _____ %

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

7.5 If yes to 8.4, please provide CSD number _____

7.6 Please confirm B-BBEE level of said sub-contractor _____

7.7 Which designated group does the sub-contractor belong to: (*indicate selection*)

- j) An EME or QSE;
- k) An EME or QSE which is at least 51% owned by black people;
- l) An EME or QSE which is at least 51% owned by black people who are youth;
- m) An EME or QSE which is at least 51% owned by black people who are women;
- n) An EME or QSE which is at least 51% owned by black people with disabilities;

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- o) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- p) A cooperative which is at least 51% owned by black people;
- q) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- r) More than one of the categories referred to in paragraphs (a) to (h).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|


| | |
|--|--|
| Name of tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Designation and capacity: | |
| Date: | |

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ANNEXURE D

INTEGRITY DECLARATION FORM

Note: This returnable is required to be fully completed, signed and submitted by tenderers at the stipulated deadlines.

1 DECLARATION OF INTEREST

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of “related” set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where: -

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the tenderer/s and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender/proposal of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

Related:

- (1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:
 - (a) an individual is related to another individual if they-

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- (i) are married, or live together in a relationship similar to a marriage; or
- (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;
- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
 - (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
 - (ii) either is a subsidiary of the other; or
 - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

Control:

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
 - (a) in the case of a juristic person that is a company-
 - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act¹; or
 - (ii) that first person together with any related or inter-related person, is-
 - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

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(bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

- (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;
- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

"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/me mber/ owner/shareholder) | Identity Number | Confirm and provide details (including employee number) if you are an employee/consultant/ contractor and/or director of a State/State owned entity. | Full Names & Capacity / Position of Eskom employee / consultant / contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.) | To your knowledge is this person involved in the specification / evaluation / adjudication/ negotiation of tenders? |
|---|--------------------|--|--|---|
| | | | | |
| | | | | |

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


[Yes/No]

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Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties?

If Yes, attach proof to this declaration

[Yes/No]

2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

1. abused Eskom's procurement process (e.g. bid rigging/collusion); or
2. committed fraud or any other improper conduct in relation to such procurement process.

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


| Item | Question | Yes | No |
|-------|---|-----|----|
| 1.1 | Is the tenderer/s or any of its shareholders / directors / members / partners / owners / trustees/beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). | | |
| 1.2 | Is the tenderer/s or any of its shareholders / directors / members / partners / owners / trustees / beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za). | | |
| 1.3 | Was the tenderer/s or any of its shareholders / directors / members / partners / owners / trustees / beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years? | | |
| 1.3.1 | If "Yes", provide details including a case number and a copy of the judgement. | | |
| 1.4 | Was the tenderer/s or any of its shareholders / directors/members/partners/owners/trustees/beneficiaries prohibited | | |

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| | | | | |
|-------|---|--|--|--|
| | from doing business with any International Financial/Lending Institution or Development/Funding Agency? | | | |
| 1.5 | Is there any history/record of the tenderer/s or any of its shareholders / directors / members / partners / owners / trustees / beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)? | | | |
| 1.5.1 | If "Yes", provide details | | | |

3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

I, the undersigned _____
[Full names and Position] _____

hereby declare that I am the duly authorised representative of *[Name of Tenderer]*.

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

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

Individuals:

| Full Name | Identity Number | Shareholding Percentage / Beneficiary Share |
|-----------|-----------------|---|
| | | |
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| | | |
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Other Entities*:

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| Full Legal / Trading Name | Entity Registration Number/Trust Number | Shareholding Percentage / Beneficiary Share | Full name and surname of the / shareholders / directors / trustees / beneficiaries of the shareholding entity | Identification Numbers of the shareholders / directors / trustees / beneficiaries of the shareholding entity |
|---------------------------|---|---|---|--|
| | | | | |
| | | | | |
| | | | | |

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 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.

| | |
|--|--|
| Name of Tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Designation and capacity: | |
| Date: | |

Joint Ventures

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and 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 purposes described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

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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.

| | |
|--|--|
| Name of Tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Designation and capacity: | |
| Date: | |

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ANNEXURE E

CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions

[Procurement Practitioner/QS to populate table hereunder as per scope of work for relevant Tender]

Eskom Proposed CPA breakdown for Local Goods and Service


| Formula A | | | | | | |
|------------------------|---|---|---|----------------------------------|--|---------------------------------------|
| Index Reference | Proposed portions / Weightings of each index | Description of Index | Full Title of Index as published | Source Publisher of Index | Base Month | Base Price/Base Index Figure |
| A1 | 0.80 | Labour | Table (C3a) | Seifsa | One month prior to tender closing date | Will be finalized upon contract award |
| A2 | 0.05 | Transport | Table L (2A) | Seifsa | One month prior to tender closing date | Will be finalized upon contract award |
| | 0.15 | Fixed portion not subject to CPA | | | | |
| Total | 1.00 | | | | | |

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Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

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

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|--|--|
| Closing date of tender: | |
| Name of tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Date of signature: | |

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ANNEXURE F

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- Eskom will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions

[Procurement Practitioner/QS to populate table hereunder as per scope of work for relevant Tender]

Eskom Proposed CPA breakdown for Foreign Goods and Service

| Formula A | | | | | | |
|------------------------|---|---|---|----------------------------------|-------------------|-------------------------------------|
| Index Reference | Proposed portions/Weightings of each index | Description of Index | Full Title of Index published as | Source Publisher of Index | Base Month | Base Price/Base Index Figure |
| A1 | | | | | | |
| A2 | | | | | | |
| A3 | | | | | | |
| | 15% | <i>Fixed portion not subject to CPA</i> | | | | |
| Total | 100% | | | | | |


Note: Tenderers to take note that, if the Eskom proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for Eskom's proposed CPA breakdown.

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Eskom CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

Note: Eskom reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the tender closes
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the tender closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES


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

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PAYMENT OF FOREIGN COMMITMENTS

PART 1: The application of importation payment requirements to tender submissions.

Where foreign exchange is involved, Eskom will take measures to mitigate any exposure to foreign currency exposure or exchange rate risk.

Tenderers: -

- Who wish to submit tenders with pricing in foreign currency for imported goods/services must establish **prior** to tender close (via the Procurement Practitioner), that the foreign currency that is being priced in the submission, is an acceptable foreign currency to Eskom.
- Who are pricing for imported goods/services in a foreign currency or linking their pricing of goods to a foreign currency exchange rate, **must be the direct importers** of the goods/services. For payment purposes, Eskom will require proof of importation.
- Who import goods into stock, for delivery to various customers, including Eskom, the price quoted must be in South African Rand. In such cases, Eskom will not undertake any foreign exchange commitment or arrange forward cover.
- Who have submissions where pricing for imported goods/services in a foreign currency or linked to a foreign currency exchange rate, must ensure that their pricing indicates the foreign currency and the foreign currency values.

Tenderers should note that all domestic value-added process, i.e., costs incurred in the Republic of South Africa, for example, transport costs will only be paid in Rands.

Tenderers who have submitted tenders, which have goods/services priced, are linked to a foreign currency or exchange rate, are required to select one of the payment methods indicated below for the payment relating to those imported goods/services:

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

Payment Method 1A:

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

Please note that the contracting party OR Eskom SOC Limited must be the direct importer of the goods

Documentation to be submitted with payment:

- Commercial invoice (from the foreign supplier)

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Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company
- Marine/ ocean bill of lading

Any one of the following documents as per the mode of transportation: -

- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt "goods despatched".
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa

Service- related payments

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier)

Delete which is not applicable (Yes/No)]

OR

Payment Method 1B:

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the contracting party)

Please note:


- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:

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- Copy of tenderers bankers' initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party's CFC account.
- Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank's letterhead
- Copy of the latest application to the Reserve Bank to renew the approval.
- Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

Documents to submit with payment:

- Commercial invoice (from the foreign supplier, country of origin and used to clear the goods)
- Local invoice or Tax invoice
- Both the commercial invoice and local invoices must match

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation: -

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the relative goods to the Republic of South Africa

All documents submitted to Eskom should not have any alterations.

The information on the documents should be as originally issued from the authorities, freight companies and overseas suppliers.

Service-related payments

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of: -
- A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.

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- A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)
- Both the commercial invoice and local invoices must match

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

[Delete which is not applicable (Yes/No)]

OR

Payment Method 2:

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

Please note:


- The contracting party must be the direct importer of the goods.
- This payment option is not applicable for the payment of services
- Tenderers are required to indicate and request approval from Eskom to use Payment Method 2 **prior to tender close**. Where a tenderer has failed to obtain the required approval prior to tender close, the tenderer will have to select one of the other Payment Methods indicated in this document.
- Together with their submission, Tenderers will be required to provide Eskom with a written indemnity confirming that they will not buy and forward cover.,

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Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation: -

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill

NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in rands. The contract cannot be linked to any Exchange Rate.

[Delete which is not applicable (Yes/No)]

OR

Fixed ZAR Option (Payment Method 3)

This option is available to those tenderers who are the direct importers of the goods/services for which they have tendered, but do not find Payment Methods 1A, 1B or 2 and allows tenderers to be responsible for the foreign currency and exchange rate risk. If a tenderer selects this payment method, the process is as follows:

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.

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- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

From a Commercial perspective, please take note of the following:

- The foreign currency and foreign currency amount/s that Eskom is/are at risk to, need/s to be indicated in the pricing schedule submitted as part of the tender. If the pricing schedule does not allow for it, the foreign currency and foreign currency amount/s must be indicated in a covering letter.
- The exchange rate to be used in the tender submission is the exchange rate sourced from the South African Reserve Bank on the date the tender is advertised/published.
- Due to the payments being made in ZAR, but based on an agreed exchange rate, the tenderer will be required to submit proof of importation at time of payment.

Delete which is not applicable (Yes/No)]

Documents to submit with payment:

- Commercial invoice (from the foreign supplier)
- Local invoice or Tax invoice

Import payments

- SAD 500
- Bill of Entry as evidence that goods have been cleared by the Department of Customs and Excise
- Customs release notification
- Transport documents from the freight company

Any of the following documents as per the mode of transportation: -

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note.
- Postal receipt
- Certificate of posting
- Courier dispatch note or air waybill.

NB: Evidencing transport of the goods to the Republic of South Africa

Documents to submit with payment:


- Commercial invoice (invoice from the overseas supplier to proof that we have foreign currency exposure)
- Local Tax invoice (from the local supplier)

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NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency

[Delete which is not applicable (Yes/No)]

Please note: Eskom will require substantiating proof of importation at the time of invoicing.

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

Take note of the following:

Service-related payment:

When specialist skills are required in South Africa, the local supplier will source the appropriate talent from their network of specialist companies overseas. The specialist is then brought into the country (South Africa) on one of two possible methodologies.

1) **Secondment**

In this approach, the foreign specialist retains their employment contract with their home unit (Employer overseas) but are seconded to the local company that has a contract with Eskom to work under the direction and control of the local management. Their salaries are paid to the foreign specialist by their home country and that foreign entity then invoices the local supplier (South Africa) in foreign currency for the cost relating to such employees. The invoices would typically be in Euro or GBP, this methodology is usually for short to medium term engagements.

Documents to be attached for payment:

- Commercial invoice from the specialist company
- Local invoice (South African company making use of the specialist services)
- Passport of the specialist and valid work permit
- Activity schedule signed by the contract manager.

2) **Payroll Transfer**

In this approach, the employee's contract with the overseas employer will be suspended and the specialist takes up a local contract with the local company. The remuneration is then **ZAR** based, the overseas employer is unable to provide the foreign invoice because the employment with the specialist is suspended this methodology is usually favoured for long term engagement. There is no foreign commitment, and the contract will be in ZAR.

PART 2: EXCHANGE RATES


The tenderer shall use the exchange rate as at 12H00 on the date of the advertisement of the tender. The source of the exchange rates shall be the South African Reserve Bank

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(www.resbank.co.za). Please note that the tenderer is required to submit proof of the SARB rate/s used.

| | |
|--|--|
| Date of advertisement of tender: | |
| Closing date of tender: | |
| Name of tenderer: | |
| Full names of authorised signatory: | |
| Signature: | |
| Date of signature: | |

ANNEXURE G1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

1.1. Dtic makes provision for the promotion of local production and content.

1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

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1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where:

x is the imported content in Rand

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

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

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

1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

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

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

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

(Tick applicable box)

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

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

| Currency | Rates of exchange |
|----------------|-------------------|
| US Dollar | |
| Pound Sterling | |
| Euro | |
| Yen | |
| Other | |

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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB


- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- Guidance on the Calculation of Local Content is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp.
- Local Content Declaration Templates (Annex C, D and E) is attached to this Invitation to Tender and must be submitted at the stipulated deadline.
- Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least

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5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

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

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

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

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


- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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| | |
|----------------------------|--------------------|
| SIGNATURE: _____ | DATE: _____ |
| WITNESS No. 1 _____ | DATE: _____ |
| WITNESS No. 2 _____ | DATE: _____ |

Other documents separately published:

Annexure G2- Local content Declaration-Summary Schedule (annex C)

Annexure G3 - Imports Declaration-Supporting schedule to Annex C (annex D)


Annexure G4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)

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ANNEXURE H

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 | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time. | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | | | CONTACT PERSON | | |
| TELEPHONE NUMBER | | | TELEPHONE NUMBER | | |
| FACSIMILE NUMBER | | | FACSIMILE NUMBER | | |
| E-MAIL ADDRESS | | | E-MAIL ADDRESS | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |

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| | | | | | |
|--|--|--|---|-------------------------------|--|
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED? | | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW] |

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO


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

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PART B TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

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ANNEXURE I

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:


- (a) Price; and
- (b) Specific Goals.

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1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|------------|
| PRICE | |
| SPECIFIC GOALS | |
| Total points for Price and SPECIFIC GOALS | 100 |

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS


- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the

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conditions of this tender:

- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|---|---|
| 1 | 10 | 20 | | |
| 2 | 9 | 18 | | |
| 3 | 6 | 14 | | |
| 4 | 5 | 12 | | |
| 5 | 4 | 8 | | |
| 6 | 3 | 6 | | |

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| | | | | |
|---------------------------|---|---|--|--|
| 7 | 2 | 4 | | |
| 8 | 1 | 2 | | |
| Non-compliant contributor | 0 | 0 | | |

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole proprietor
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Trust
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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- (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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

| | | |
|-----------------------------------|--|--|
| SIGNATURE(S) OF TENDERER(S) | | |
| SURNAME AND NAME | | |
| DATE | | |
| ADDRESS | | |

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ANNEXURE J

SBD 4

TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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 tender process.

2. TENDERER'S DECLARATION

- 2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.

| Full Name | Identity Number | Name of State Institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

[YES/NO]

If so, furnish particulars:

.....
.....

2.3 Does the tenderer 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]

If so, furnish particulars:

.....
.....

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.

Controlled Disclosure

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- 3.4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.
- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer 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 tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders 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 the tenderer maybe 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 TENDER OR ACT AGAINST THE TENDERER 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.

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.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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