

	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

Provision of Specialised Security Services- Close Protection Officer on “an as and when required” basis for a period of three (3) years.

Tender number/ RFP number/	MWP1499CX
Issue date	19 July 2022
Closing date and time	17 August 2022 at 10h00, South African Standard Time (SAST)
Tender validity period	12 months from the closing date and time
Clarification meeting	Non – Compulsory clarification meeting will be held on: Date: 21 July 2022 Time: 10h00 Venue: To be conducted using Microsoft Team (Ms Teams) Tenderers must confirm their intention to attend by sending an email to Ngwenyha@eskom.co.za by 16h00 on 20 July 2022 for consolidation. The emails provided will be used to send a link for the meeting.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Megawatt Park Tender Office Northside (Retail Centre) 1 Maxwell Drive Sunninghill Sandton

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a proposal MWP1499CX for Provision of Specialised Security Services- Close Protection Officer on “an as and when required” basis for a period of three (3) years. The enquiry documents are supplied to you on the following basis:

- Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender/proposal by you in response to this invitation to tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

Queries relating to this invitation to tender documents may be addressed to the Eskom *Representative*.

Yours faithfully


Date: 28 July 2022

Nnosi Motlana

Procurement Manager/Commodity manager

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		Effective Date	18 February 2022			
		Review Date	February 2025			

The following documents listed hereunder are attached to this enquiry.

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

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is: Name: Hamilton Ngwenya Tel: (013) 699 7088 E-mail: Ngwenyah@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender: MWP1499CX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	This invitation to tender/RFP is: An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a proposal if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium • [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer

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		Effective Date	18 February 2022			
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	<p>may be considered to have a conflict of interest with one or more parties in this tendering/RFP process, if:</p> <ul style="list-style-type: none"> ○ (a) they have a controlling partner/majority shareholder in common; or ○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <ul style="list-style-type: none"> • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for invitation to tender submission is: Date 17 August 2022 Time 10h00 SAST Late Tenders will not be accepted Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: Eskom Megawatt Park Tender Office Northside (Retail Centre) 1 Maxwell Drive Sunninghill Sandton</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as:</p> <ul style="list-style-type: none"> • a complete original tender, • plus one (1) hard copy of the original tender at tender submission deadline. • Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format. <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	<p>The tender validity period is 12 months from the closing date and time</p>
2.16 Site/clarification meetings	<p>A Non- Compulsory Clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: 21 July 2022 Time: 10h00 Venue: To be conducted using Microsoft Teams (Ms Teams)</p>

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	<p><i>Tenderers</i> must confirm their intention to attend by sending an email to the Eskom <i>Representative</i>, Ngwenyha@eskom.co.za by 16h00 on 20 June 2022 for consolidation. Please state the name, position and contact details of each proposed attendee. The emails provided will be used to send a link for the meeting.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed .
2.25 Conditions of contract	The conditions of contract will be the NEC 3 Term Services Contract
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender. These may be required from the shortlisted suppliers depending on the Financial Analysis results.
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on: Place: Eskom Megawatt Park Tender Office Northside (Retail Centre) 1 Maxwell Drive Sunninghill Sandton</p> <p>Date: 17 August 2022 Time: 10h00 SAST</p>
3.5 Prices to be read out	Prices will not be read out .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. <ul style="list-style-type: none"> ➢ Authority to submit a tender – Complete and sign the Declaration of Authority Form as attached with the tender confirmation that they are duly authorized to sign all documents in connection with this tender. ➢ Declaration of Fair Bidding Practice. ➢ Supplier Declaration of Interest form. ➢ Supplier Non- Disclosure Agreement form • Central Supplier Database (CSD) number (MAA.....)

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		Effective Date	18 February 2022			
		Review Date	February 2025			

3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive and will be disqualified.
3.11 B-BBEE criteria	<p>B-BBEE certificate/affidavit.</p> <ul style="list-style-type: none"> Tenderers are required to submit their valid B-BBEE certificates/affidavits to score points. Invalid BBEE certificates/affidavits will result in tenderers scoring zero. Tenderers that will be Joint Venturing (JV) will be required to submit a valid SANAS accredited consolidated B-BBEE certificate that reflects their BBEE level in order to score points.
3.12 Designated materials and thresholds	Designated material thresholds not applicable
3.13 Functionality requirements	<p>1.Scope of Work / Service Description / Business requirements</p> <p>1.1 General requirements</p> <p>Successful Bidders will be required to provide the following Services (but not limited thereto) in a diligent manner-</p> <p>1.1.1 Provision of comprehensive Security Threat and Risks Assessments and Protection Plans for Eskom Executive Management and identified employees included in the protection programme.</p> <p>1.1.2 Trained and certified Armed Close Protection Officers (CPO), in line with PSIRA requirements, available 24/7 seven days a week including public holidays.</p> <p>1.1.3 Suitable, reliable, and roadworthy unmarked Vehicles for use during close protection activities (determined by Eskom Group Security) to transport Eskom personnel, to be available seven days a week (including public holidays as and when required).</p> <p>1.1.4 Have proper mitigation strategies to deal with threat levels and risks to the principals on an on-going basis (Known threats, direct threats and perceived threats)</p> <p>1.1.5 Information and intelligence gathering to plan and prepare risk mitigation strategies to minimise risk and threat to principals.</p> <p>1.1.6 Liaise and communicate with principals, Eskom contracts manager and other Close Protection Officers on assignment using reliable form of communication devices (two-way radios, PPT, Cell-phones, microphone earpieces).</p> <p>1.1.7 Always establish and maintain secure environments by conducting Threat Assessment in areas where the principal is most vulnerable or at "risk" and be able to manage the risk by means of planning the day-to-day routine</p>

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		Effective Date	18 February 2022			
		Review Date	February 2025			

in a safe environment utilising appropriate close protection techniques to protect the principal.

1.1.8 Always maintain the safety and security of principals whilst on foot by using different formations to meet the needs and expectations of different settings.

1.1.9 Always maintain the safety and security of principals whilst in transit by assessing and identifying alternate travel routes to suit different environments or situations.

1.1.10 Always maintain the safety and security of principals between venues by applying appropriate venue protection security techniques such as access control and patrols.

1.1.11 Always ensure the safety and security of the principal and close family members whilst at home (when required).

1.1.12 Maintain security and personal awareness by constantly being aware of your surroundings and that of the principal.

2 Security Vetting of the Successful Bidder's Personnel

2.1 The award of a bid is conditional upon the shortlisted successful Bidders passing security screening checks by Eskom Group Security.

2.2 Eskom reserves the right at its sole and absolute discretion to do background security screening checks on the successful Bidder, its Directors and Security Officers deployed or assigned to Eskom and involved and with the performance of the Services.

2.3 The Bidder and its Directors must submit consent forms as may be reasonably requested by Eskom, to enable Eskom to conduct such security screening checks as aforementioned.

2.4 Security screening checks shall include, but not be limited to, checks on criminal records, credit references, identity documents, Qualification verification, Institution Accreditation verification and credit checks.

2.5 Where Eskom, in its sole discretion, finds any of the successful Bidder's Personnel deployed at Eskom to be a security risk, Eskom will inform the successful Bidder accordingly in writing and the successful Bidder will be required to immediately remove such Personnel.

2.6 Failure to affect such a replacement of the successful Bidder's Personnel, with a suitably trained and equally graded substitute within a period of twelve (12) hours after having been so informed by Eskom, will constitute a Performance Failure.

2.7 The successful Bidder must supply Eskom proof of security screening for personnel to be deployed or utilised to render services.

2.8 The successful Bidder shall conduct criminal status screening of its Personnel annually including verification of identity documents, and Eskom

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		Effective Date	18 February 2022			
		Review Date	February 2025			

may at any time verify the results of such security screening, including subjecting personnel to polygraph testing at Eskom's discretion

2.9 All CPO officers are required to sign the Eskom Non-Disclosure Agreement and Declaration of Secrecy prior to deployment.

3 Relevant Registration, Certification, and Identification Cards

3.1 All Close Protection Security Officers must be registered with PSIRA and must be South African citizens.

3.2 All Close Protection Security Officers must have a working knowledge of evacuation procedures in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

3.3 Close Protection Security Officers must always carry their PSIRA Identification Cards, identity documents/ cards, valid firearm permits, drivers' licence and firearm competency certificates.

4 Medical / Fitness Requirements

4.1 All Close Protection Security Officers must undergo medical and physical fitness examinations at least once per year or as directed by Eskom.

4.2 All Close Protection Security Officers must undergo psychological assessments at least once a year or following exposure to trauma, particularly involving death.

5 Personal Protective Equipment

5.1 The successful Bidder must be in possession of Eskom's Standard Operating Procedures pertaining to Personnel Protection Equipment (PPE), including but not limited to, bullet resistant jackets (Level III, Eskom standard), firearm holsters, and the successful Bidder must issue the PPE accordingly and within PSIRA and Group Security requirements and prescripts.

5.2 Close Protectors must wear appropriate dress code to suit the principal and the event, activity.

6 Training

6.1 The successful bidder must ensure that all Close Protection Officers have access to a certified shooting range approved in line with SABS and the Firearms Control Act, 2000 (Act No. 60 of 2000) and provide proof of firearm training, which must be up to date

6.2 All Personnel must have access to trainers, moderators, and assessors in accordance with the PSIRA and/or Security Sector Education Authority (SASSETA).

6.3 The successful Bidder must develop and implement a firearm training plan, including refresher in line with the Firearms Control Act, 2000 (Act No. 60 of 2000).

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		Effective Date	18 February 2022			
		Review Date	February 2025			

6.4 All Close Protection and Tactical Officers rendering the Services to Eskom in terms of this contract must undergo the Advanced and defensive driving, first-aid and fire-fighting training and the Advanced VIP Protection training with an accredited service provider.

7 Behavioural requirements:

The successful Bidder's Close Protection Security Officers must not-

- 7.1 Consume alcohol, take illegal drugs, or possess such substances whilst on duty.
- 7.2 Report for duty whilst under the influence of any intoxicating substance.
- 7.3 Sleep whilst on duty.
- 7.4 Leave a post unattended without the superior's permission.
- 7.5 Be dishonest at any time during the contract term.
- 7.6 Become embroiled in arguments in view of the principals or other members of the public.
- 7.7 Commit a Security Incident or use unauthorised electronic devices or illegal electronic connections.
- 7.8 Aid and/or abet in the commission of a Security Incident or crime.
- 7.9 Make disclosures of information or documents to unauthorised persons.

8 Management Responsibilities

- 8.1 Management/ Supervisors must ensure the following:
- 8.2 All Close Protection Security Officers assigned to Eskom personnel are properly trained, fit-for-purpose, reliable, of reputable background, of sound character and able to perform their duties.
- 8.3 Close Protectors conduct a handover on completion of all assignments.
- 8.4 All Close Protection Officers deployed at Eskom do not have criminal records.
- 8.5 All Close Protection Officers conduct themselves in a disciplined and professional manner, as required by the Code of Conduct for Security Service Providers, 2003 and the successful Bidder's own Disciplinary Code and Procedures and Eskom's policy and procedures (Cardinal Rules included), whenever they are at an Eskom Site / event or with the Eskom personnel.
- 8.6 All Close Protection Officers adhere to the dress code regulations, Eskom policies, standard operating procedures and Safety and Security instructions.
- 8.7 Incident investigation reports are prepared and submitted to the relevant Eskom Authorised Representative or his/her appointed delegate within four (4) hours of the Security Incident or Emergency occurring.

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Document Identifier	240-114238630	Rev	11
Effective Date	18 February 2022		
Review Date	February 2025		

8.8 All invoices must comply with Eskom invoicing principles and shall contain a detailed description of the services rendered.

8.9 Management must be available to attend unscheduled meetings which may be called by Eskom to discuss any matter regarding the performance of Services, at its sole discretion.

9 Incident report format

- Date of incident and time
- Area and address where the incident happened
- Details of the Close Protector managing the incident
- Details of the Eskom employee involved in the incident
- Details regarding the SAPS station the incident has been reported to
- Details of the hospital where the employee is treated, where applicable
- Details of the vehicle used for the protection
- Details regarding the findings of the incident

Annexure B – Service Levels and Financial Penalties

No.	Service Level	A short description of the performance failures
1.	The Service Provider must ensure that Close Protection Officers undergo: A Medical and Physical Fitness Examination at least once in a year. Advanced and defensive driving at least once a year.	The Service Provider fails to submit the required proof of the CPO undergoing the required examinations or training before the end of the 12-month period.
2.	The Service Provider must ensure that Security Incident or Emergency investigation reports are prepared and submitted to Eskom Authorised representative or his/her delegate. The Service Provider must strictly adhere to all the requirements of Eskom Group Security regarding recording and reporting of Security Incidents and Emergencies.	Security Incident or Emergency occurring to the Eskom Authorised Representative or his/her delegate. The Service Provider fails to prepare and submit a full investigation report within one (1) day of the occurrence of the Security Incident to the Eskom Authorised Representative or his/her delegate.
3.	Close protectors not wearing the appropriate dress code.	Inappropriate dress code.
4.	Close Protectors must have their Identification and PSIRA Cards on their person always.	Close Protectors fail to have the Identification and PSIRA Cards on their person.
5.	Close Protectors must not: <ul style="list-style-type: none"> • Consume alcohol, take illegal drugs, or possess such substances whilst on duty. 	Close Protectors commits any one of the prohibited acts.

Confidential

Document Identifier	240-114238630	Rev	11
Effective Date	18 February 2022		
Review Date	February 2025		

		Close Corporation. (Submit original or certified copy).									
5.		Proof of competency training for the proposed protectors (Attach certificates from approved PSIRA accredited institutions).									
6.		Firearms licenced in the name of the legal entity of the service provider (Submit certified copies of the licences).									
7.		Surveillance and counter Surveillance capabilities that identifies and deters potential attackers prior to any attack, including the use of drones (Where necessary).									
8.		CPOs trained in evasive and defensive driving. (Attach certificates from accredited institutions including driver's licence/s).									
9.		First Aid competence of CPOs. (Attach certificates from accredited institutions).									
10.		Three relevant contactable references.									
11.		Minimum 5 years in implementing close personal protection services.									
12.		The Service Provider must be able to supply reliable vehicles as and when required. (Submit certified copies of vehicle certificates in the name of the company and/or Close Corporation or confirmation from a leasing company).									
<p>Stage 2 Technical/Functional Scoring Criteria Bidders who do not obtain a minimum of 80% functionality will not go through to the proceeding phase. Presentations and site visits may be required and will be communicated to shortlisted bidders.</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Criteria</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td><u>Company Experience</u> Bidders must provide a comprehensive company profile and demonstrate experience in executing the work required</td> <td>>10 years 45% Between 5-10 years 30% Less than 5 years 20%</td> </tr> </tbody> </table>						No.	Criteria	Weight	1.	<u>Company Experience</u> Bidders must provide a comprehensive company profile and demonstrate experience in executing the work required	>10 years 45% Between 5-10 years 30% Less than 5 years 20%
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	<p>refer to the scope above. (Minimum 10 years' experience).</p> <p>2. <u>Key CPO Personnel</u> Qualifications, certifications, experience, and CVs of nominated CPO officers.</p> <p>3. <u>Approach and Methodology</u> Bidders must provide their approach and methodology to be followed for Close Protection Officer Services.</p> <p>4. <u>References</u> Reference letter from the clients (3) confirming Closed Protection Officer Services rendered.</p> <p>The reference letter or list should include the following: name of the entity, contact person, designation of contact, contact number, contract value and contract period.</p>	<p>8-10 CPO officers 20% Less than 8 CPO officers 10%</p> <p>20% Percentage will be based on the transparent and comprehensive approach to CPO services.</p> <p>15% 5% per reference</p>
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes. • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected. <p>Prices will be scored out of 80 points in accordance with PPPFA Act, 2000</p>	
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The</p>	

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		Effective Date	18 February 2022			
		Review Date	February 2025			

	tenderer will, however, be awarded 80 points for price and will score 0 out of 20 points for B-BBEE level /status
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]: -</p> <ul style="list-style-type: none"> 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or <p>state that either 80/20 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria (if applicable)	<p>Objective Criteria is not applicable however Contractual Requirements are applicable as stated below. Please note: -</p> <ul style="list-style-type: none"> Tenderers will not be disqualified if they do not comply with the objective criteria Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.
Contractual Requirements (if applicable)	<p>Contractual Requirements are applicable and include the following:</p> <ul style="list-style-type: none"> SHEQ requirements; and/or Financial statements; and/or Any other as stipulated: - <ul style="list-style-type: none"> Valid SARS Tax Certificate Valid COID Certificate <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements not applicable.

Please note:

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2025		

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

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

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

1.3 TENDER RETURNABLES

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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	One (1) hard copy of the tender	✓	
Pre-qualification criteria: <ul style="list-style-type: none"> • B-BBEE levels/EME/QSE • Sub-contracting to designated groups <p>Please Note that: “proof of B-BBEE status level of contributor” means-</p> <p>(a) the B-BBEE status level certificate issued by an authorized body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p> <p>If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified</p>	“ Proof of B-BBEE status level of contributor ” for main contractor	✓	
	CSD number	✓	
	Signed Sub-contracting intent agreement	Not applicable	
	“ Proof of B- BBEE status level of contributor ” for sub-contractor belonging to designated group	✓	
	Any other supporting documents to verify the status of the main contractor or sub-contractor (as may be stipulated in 3.11)	Not applicable	
Annexure A	Acknowledgement Form	✓	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)		✓
Annexure E	CPA(IG) for imported goods/services (if applicable)	Not applicable	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E(only applicable where designated materials are included)		✓
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development & Localisation (SD&L) Undertaking (if applicable)			✓
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)	✓	
	“proof of B-BBEE status level of contributor” means:- (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; (as may be applicable for the particular tendering entity)	✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.	✓	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

<p>*“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;</p>	<p>Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p>	✓	
<p>Tax Clearance Certificates</p>	<p>A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) .</p> <p>Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.</p>		✓
<p>Tax Evaluation Questionnaire (if services contract and was included as annexure)</p>	<p>Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]</p>		✓
<p>Compliance with Employment Equity Act</p>	<p>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)</p>		✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

CIDB (where applicable)	Valid proof of the required cidb grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	Not applicable	
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
NEC Documentation	Completed NEC pricing schedule and contract data.	✓	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))	Not Application		
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	Contractual Requirements include the following: <ul style="list-style-type: none"> SHEQ requirements; and/or <p>The SHEQ requirements will be applied as Contractual requirements and are not for evaluation purposes. The suppliers are required to submit SHEQ tender returnable and will be assessed after the functionality evaluation and ranking of the tenders. Only suppliers that have met the functionality threshold will be assessed for SHEQ.</p> <p>Proof that the highest ranked tenderer is able to meet the SHEQ contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>COIDA - Original certificate of good standing or proof of application issued by the Compensation</p>		✓

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

	Fund (COID) or a licensed compensation insurer (South African tenderers only)		
Quality	<p>Documents that may be required per scope of work</p> <ul style="list-style-type: none"> • 240-68099512 Form A Cat – 4 Rev 8 (must be completed and signed) • 240-105658000 QM58 (For information only—not to be submitted) • Category 4 List of tender returnables • Method Statement Template to be used as a guide, for A1. of tender returnables above. 		✓
Other safety/quality documents as required per scope of works			✓
Environmental	Documents that may be required as per scope of work		✓
Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA			
Technical (required for functionality scoring)	A Tenderer need to meet 80% minimum threshold for Technical evaluation to qualify for further evaluation.	✓	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

SUPLLIER DEVELOPMENT AND LOCALISATION - SD&L

The following must be considered when it comes to validity of Affidavits;

- Affidavit must be completed in full (i.e. dates, ownership percentages and contribution level).
- Deponent and Commissioners date must be same.
- Affidavits on Accountants/Auditors letterheads will not be accepted.
- Affidavits signed by Accountants/Auditors will not be accepted.
- Only BBBEE certificates for EMEs coming from DTI will be accepted.

Category	Eskom Target	Tenderer Proposal
Security Guards Grade C	7	

The successful supplier shall develop two security analysts, over the duration of the contract. To achieve this number of two skills, for every two million that will be spent by Eskom in the company, one skill shall be developed. Therefore, the supplier may develop the candidates directly or through their supplier network. The supplier may also utilize the services of the relevant SETA accredited training providers

1. Subcontracting to designated groups

Not applicable

2. Retention for SD&L Commitments

- a. Eskom shall be permitted to retain 2.5% (two and half percent) of the invoices (including VAT) as security for the fulfilment by the suppliers of their SD&L obligations.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

- b. Once Eskom has verified that suppliers have fulfilled their SD & L obligations, the 2.5% retained shall be approved for reimbursement by Eskom to suppliers within 90 (ninety) days of verification by Eskom.

3. Monitoring and Reporting of SD&L Commitments

- a. Suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SD& L obligations described above.
- b. Eskom shall review the quarterly reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SD&L obligations have not been met.
- c. Upon notification by Eskom that the suppliers have not met their SD&L obligations, suppliers shall be required to implement corrective measures to meet those SD&L obligations before the commencement of the following quarter, failing which Retention clauses shall be invoked.

Every contract shall be accompanied by the SD&L implementation schedule which must be completed by the suppliers and returned to SD&L representative for acceptance **before** contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SD&L commitments.

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
2. _____
3. _____

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

Name of contractor	
CIPC Registration number	
VAT registration number	

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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

- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.4 Please confirm B-BBEE level of said sub-contractor _____
- 8.5 Which designated group does the sub-contractor belong to:-

- Black people
- Black people who are youth
- Black people who are women
- Black people with disabilities
- Black people living in rural or underdeveloped areas or townships
- Cooperatives which are 51% owned by Black people
- Black people who are military veterans

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2025		

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

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

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment, and attach proof to this declaration. _____
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____

2. Declaration of fair tendering practices

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

IN RESPECT OF BID NO.

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

NB

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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

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

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

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
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					
VAT REGISTRATION NUMBER					

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER 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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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

**PART B
TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

DATE:

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

Annexure H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

2. DEFINITIONS

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

3. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

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

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[Tick applicable box]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[Tick applicable box]

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

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

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	Invitation to Tender/ Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11	
		Effective Date	18 February 2022			
		Review Date	February 2025			

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

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