

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

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

FOR THE CONSTRUCTION OF MEDUPI WITKOP 400KV TRANSMISSION LINES SECTIONS A, B, C AND D

Tender number	MWP1625TX
Issue date	07 October 2022
Closing date and time	22 November 2022 at 10h00am
Tender validity period	Twelve (12) weeks from the closing date and time.
Clarification meeting	<p>A non-compulsory clarification meeting and non-compulsory site visit with representatives of the <i>Employer</i> will take place in three (3) parts sessions as follows:</p> <p><u>PART 1 - Clarification meeting for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be held as follows:</u></p> <p>Date: 19 October 2022 Time: 10h00am Venue: Eskom Academy of Learning (EAL) in Midrand.</p> <p><u>PART 2 (a) - Site visit for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be as follows:</u></p> <p>Date: 24 October Time: 13h00 Venue: Medupi Power Station next to visitors parking Infront of Medupi Power Station GPS coordinates: Latitude: (-23.6962947, Long 27.570329, and</p>

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	<p>PART 2 (b) - Site visit for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be held as follows:</p> <p>Date 25 October 2022 Time 10H00am Venue: Close to tower 518 on the R101 (White wall main entrance to the servitude) GPS coordinates: Latitude: (Latitude -24.0256737, Long 29.2958646)</p> <p>SPECIAL REQUIREMENTS: All personnel visiting substation must wear relevant PPE. i.e Safety Shoes and Hard hats and adhere to Eskom Lifesaving rules. The personnel must produce relevant ID before entering the substation</p> <p>Suppliers are encouraged to use Bakkie which is 4x2/4x4 due to road conditions on site</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</p>
	<p>Tenders are to be delivered to the following address on the stipulated closing date and time:</p> <p>Eskom Megawatt Park Tender Office Northside Maxwell Drive Sunninghill</p>

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the construction of Medupi Witkop 400kV Transmission Lines (Sections **A**, **B**, **C** and **D**).

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 will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za).

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

Yours faithfully

pp 

Procurement Manager
Stanley Tshakhuma

Date: 06/10/2022



Mosebo Dikgale
Senior Manager Transmission Project Delivery

Date: 06/10/2022

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The following documents listed hereunder are attached to this enquiry and are applicable to all sections **A, B, C** and **D** of Medupi Witkop 400kV Transmission Line.

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N/A
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F1	Y
	Annexure C-Local Content Declaration-Summary Schedule	Annexure F2	Y
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	N/A
	Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F4	N/A
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 <i>[only to be attached for services type of contracts]</i> .	Annexure I	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	Annexure J	Y
6.11	Reverse e-auction training acknowledgement form (if applicable)	N/A	
6.12	Reverse e-auction process (if applicable)	N/A	

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

The below requirements are applicable in all Sections A, B, C and D.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Yvonnia Moretsele Tel: 011 800 4850 E-mail: Medupiwitkop@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is MWP1625TX, and it is applicable to;</p> <ul style="list-style-type: none"> • Section A • Section B • Section C • Section D <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is:</p> <p>1. An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>A tender is issued out to the open market with;</p> <ul style="list-style-type: none"> • Section A • Section B • Section C • Section D. <p>Tenderers have an option to tender for either one or all sections. However, tenderers may be awarded only;</p> <p>One or both sections from Lot 1 (Section A and Section B),</p> <p style="text-align: center;">or</p>

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	One or both sections from Lot 2 (Section C and Section D).
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 <i>tender</i> 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 may be considered to have a conflict of interest with one or more parties in this tendering process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • Any person which has been found guilty of acting in a fraudulent or corrupt manner by any competent authority, or is charged with charges which have elements of dishonesty of corruption by any competent authority. • Where a tenderer has previously contracted with Eskom, and Eskom has had a negative experience with doing business with that tenderer, or if that tenderer is under investigation by Eskom or any other competent authority for any irregular business practices, including acting fraudulently or corruptly, then having regard to the nature

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	<p>of the previous experience and/or the nature of such investigation, Eskom in its sole and absolute discretion may disqualify such a tenderer from further participation in this tender process.</p> <ul style="list-style-type: none"> Any tenderer that is restricted by National Treasury A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission for all Sections A,B, C and D is :</p> <p>Date 22 November 2022 Time 10:00am Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: THE TENDER OFFICE Eskom Megawatt Park Tender Office Northside Maxwell Drive Sunninghill</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline.</p> <p>Eskom also requires that one (1) additional complete soft copy of the original tender be submitted in electronic format such as memory stick. Note: A soft copy is not mandatory requirement.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified. Meaning the original tender must be accompanied by identical copy.</p> <p>The tender submission file structure must be as follows: (a) Each file must be clearly labelled as follows:</p> <ul style="list-style-type: none"> Tender number: MWP1625TX Description: Medupi-Witkop 400kV Transmission Line Section A or Section B or Section C or Section D <p>(b) All files must be in accordance to the below structure: (1) 1 x Commercial original tender plus 1 hard copy; (2) 1 x Financial original tender plus 1 hard copy; (3) 1 x Technical original tender plus 1 hard copy; and (4) 1 x SHEQ original tender plus 1 hard copy.</p>

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	<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>Twelve (12) weeks from the closing date and time.</p> <p>NB: While a twelve (12) week Tender validity period has been provided from the tender closing date, the evaluation and adjudication process may take up to six (6) months. Should the evaluation extend beyond the twelve (12) weeks, <i>Tenderers</i> will be requested to extend their validity beyond the twelve (12) weeks.</p>
<p>2.16 Two-part clarification meetings</p> <p>(The first part will be focusing on tender documentation clarification and the second part will be focusing on site visit clarification meeting)</p>	<p>A non-compulsory clarification meeting and non -compulsory site visit with representatives of the <i>Employer</i> will take place in three (3) parts sessions as follows:</p> <p>PART 1 - Clarification meeting for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be held as follows:</p> <p>Date: 19 October 2022 Time: 10h00am Venue: Eskom Academy of Learning (EAL) in Midrand.</p> <p>PART 2 (a)- Site meeting for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be held as follows:</p> <p>Date: 24 October Time: 13h00 Venue: Medupi Power Station next to visitors parking Infront of Medupi Power Station GPS coordinates: Latitude: (-23.6962947, Long 27.570329, and</p> <p>PART 2 (b)- Site meeting for sections A, B, C and D of Medupi Witkop 400kV Transmission Line will be held as follows:</p> <p>Date 25 October 2022 Time 10H00 Venue: close to tower 518 on the R101 (White wall main entrance to the servitude) GPS coordinates: Latitude: (Latitude -24.0256737, Long 29.2958646)</p> <p>SPECIAL REQUIREMENTS: All personnel visiting substation must wear relevant PPE. i.e Safety Shoes and Hard hats and adhere to Eskom Lifesaving rules. The personnel must produce relevant ID before entering the substation.</p>

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	<p>Suppliers are encouraged to use bakkie which is 4x2/4x4 due to road conditions on site</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</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 ten (10) 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 NEC3 ECC for all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line).
2.31 Provision of security for performance	Security for performance (Performance Bond) is required. The names of two (2) financial institutions that the <i>Tenderer</i> will approach must be submitted with the Tender. Those names must be from the list of Eskom approved financial institutions as attached in this enquiry.
3.4 Opening of tenders	<p>Tenders for all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line, will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on: The Tender Office Megawatt Park Retail Centre Northside No. 1 Maxwell Drive Sunninghill</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 for all Sections A,B, C and D of Medupi-Witkop 400kV Transmission Line are:</p> <p>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness. The tenderers will be required to:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer; • Submit one) (1) complete hard copy of the original tender, plus soft copy of the original tender (memory stick) to Eskom (a soft copy is not a mandatory requirement); • Submit a complete original tender with commercial, financial and technical information.

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	<ul style="list-style-type: none"> Submission of the mandatory commercial tender returnable as at stipulated deadlines; Central Supplier Database (CSD) number (MAA.....) <p>A tender that does not meet the basic compliance requirements for all Section A, B, C and D will be deemed non-responsive and will not be evaluated further.</p>
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines for all section as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive. (This is applicable for all Sections A, B, C and D)</p> <ul style="list-style-type: none"> Valid Construction Industry Development Board (CIDB) registration with a CIDB contractor grading designation of 9EP. Central Supplier Database (CSD) number (MAA.....) <p>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 <i>Employer</i>.</p> <p>It is estimated that tenderers should have a CIDB contractor grading designation of 9EP.</p> <p>However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.</p>
3.11 Pre-qualification criteria	Pre-qualifications not applicable
3.12 Designated materials and thresholds	<p>Designated material thresholds is applicable to all Sections A, B, C, and D of Medupi-Witkop 400kV Transmission Line.</p> <p>This project contains equipment, construction components/parts, plant, etc. that have been designated for Local Production and Content, therefore a specific tendering condition that only locally produced goods or services with a stipulated minimum threshold for Local Production and Content will be considered.</p> <p>The fully completed and signed SBD 6.2 (Declaration Certificate for Local Production and Content) together with the Annex C (Local Content Declaration: Summary Schedule) will be part of the Tender Returnable.</p>

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	<p>The following stipulated minimum thresholds for local production and content must be achieved in full by the tenderer. The list below may change depending on the latest issued list by the Department of Trade Industry and Competition (dtic) and the tender will comply with any latest list.</p> <table><tr><th>Commodity</th><th>Local Content Threshold</th></tr><tr><td>Steel</td><td>100%</td></tr><tr><td>Cement</td><td>100%</td></tr></table> <p>Non-compliance to the applicable threshold will result in disqualification from the evaluation process.</p> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The dti has appointed SABS as the official verification agency for local content in terms of designated products.</p> <p>A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.</p>	Commodity	Local Content Threshold	Steel	100%	Cement	100%												
Commodity	Local Content Threshold																		
Steel	100%																		
Cement	100%																		
3.13 Functionality requirements	<p>Functionality will be applicable to all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line.</p> <p>Functionality for each section (Sections A, B, C and D) will be evaluated on a total weight of 100%. A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications and <i>Employer's</i> requirements. Tenderers need to have a weighted score of 70% overall or more to qualify for further evaluation.</p> <p>The evaluation scores will be weighted as follows according to disciplines: The Engineering/functionality will be evaluated with a minimum threshold of 70%.</p> <table><tr><th>SUBSECTIONS</th><th>Weighted (100%)</th></tr><tr><td>1. Surveyor</td><td>5%</td></tr><tr><td>2.1. Soil Profiler</td><td>5%</td></tr><tr><td>2.2 Foundation Designer</td><td>5%</td></tr><tr><td>2.3. Safe Working Procedures for Foundations</td><td>10%</td></tr><tr><td>2.4. Foundation Site Supervisor</td><td>5%</td></tr><tr><td>3.1. Tower Assembly & Erection Site Supervisor</td><td>3%</td></tr><tr><td>3.2. Temporary Works Designer for Towers</td><td>5%</td></tr><tr><td>3.3. Safe Working Procedures for Towers</td><td>7%</td></tr></table>	SUBSECTIONS	Weighted (100%)	1. Surveyor	5%	2.1. Soil Profiler	5%	2.2 Foundation Designer	5%	2.3. Safe Working Procedures for Foundations	10%	2.4. Foundation Site Supervisor	5%	3.1. Tower Assembly & Erection Site Supervisor	3%	3.2. Temporary Works Designer for Towers	5%	3.3. Safe Working Procedures for Towers	7%
SUBSECTIONS	Weighted (100%)																		
1. Surveyor	5%																		
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	3.4. Proposed Supplier/Fabricator for Tower or Steel	3%
	4.1. Earthing Safety Supervisor	3%
	4.2. Safe Working Procedure for Earthing	5%
	5.1. Dressing, Stringing & Regulating Supervisor	2%
	5.2. Temporary Works Designer for Stringing & Regulating	5%
	5.3. Safe Working Procedures for Stringing & Regulating	5%
	6. Support Structure for crossings	10%
	7.1. Experience on Transmission Line	8%
	7.2. Project Manager experience SACPCMP	5%
	7.3. Site Manager Experience SACPCMP	5%
	7.4. As-Built Documentation	4%
	Total	100%
	Tenderers who do not meet the minimum 70% threshold for functionality scoring will be disqualified and not evaluated further.	
3.15 Evaluation of price	<p>Price evaluation will be applicable to all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line.</p> <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; and • 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 90 points in accordance with PPPFA.</p>	
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 10 points in accordance with PPPFA.	

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	<p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 90 points for price and will score 0 points for B-BBEE level /status (out of 10)</p>
3.18 Ranking of tenders	<p>Ranking of tenderers will be applicable to all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line.</p> <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"> 90/10 (for estimated values above R50M inclusive of VAT) or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system <p>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> <p>Please note: Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</p>
3.19 Objective Criteria (if applicable)	Objective criteria is not applicable .
3.20 Reverse e-auction (if applicable)	Reverse e-auction is not applicable .
Contractual Requirements	<p>Contractual requirements will be applicable to all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line.</p> <p>Contractual Requirements include the following:</p> <p>Financial analysis, Health & Safety, Environment, Quality, Security, SDL&I, Insurance, Contract Management, Legal, Planning and Due Diligence will form part of contractual requirements.</p> <p>List of Health and Safety returnable:</p> <ol style="list-style-type: none"> Signed acknowledgement Form of Eskom's OHS legal and other requirements. Health and Safety Plan

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	<p>(must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)</p>
	<p>3. Costing for Health and Safety management</p> <ul style="list-style-type: none"> Contractor to provide breakdown of cost as per the works information The costing must be based on the overall scope of work/service to be performed. OHS Tender returnable The scope of work and the risk assessment may serve as a guideline.
	<p>4. Baseline OHS Risk Assessment (BRA)</p> <p>Identification, assessment, and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA</p>
	<p>5. Valid Letter of Good Standing (COIDA or equivalent)</p>
	<p>6. OHS policy signed by CEO The submitted policy must comply to OHS Act Section 7</p>
	<p>7. Medical fitness certificate</p>
	<p>8. OHS Competency</p> <ul style="list-style-type: none"> (Consider scope of work, risks, OHS plan and applicability) CV's and qualifications certificates List competencies required: General Supervisory training Root Cause Analysis training Incident Management/ Investigation training Hazard Identification and Risk Assessment training ORHVS level 4 training minimum First Aider Level 2 Climbers training certificates (applicable to work at height activities only)
	<p>9. SACPCMP Section 18 Categories of Registration</p> <ul style="list-style-type: none"> Occupational Health and Safety Officer Construction Manager Project Manager SACPCMP valid certificates per individual, part of submission Safe Work Procedures for Scope of Work

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	<p>Environment Requirements</p> <ul style="list-style-type: none"> • Environmental management system; • Environmental management plan; • Waste management plan; • Environmental bill of quantities. <p>Quality Requirements</p> <ul style="list-style-type: none"> • (Form a) tender & contract quality requirements for 240-105658000 and quality requirements for iso 9001 standard • Supplier Quality Management: List of Tender Returnables Documents • Supplier Quality Management: Specification • Quality Control Plan / Inspection and Test Plan Template • Template for a Typical Contract Quality Plan Category 3 <p>Security requirements</p> <p>Returned Letter of undertaking to comply With Eskom Security Scope of work PDP-SOW -01 Rev 0 Scope of Work and any other Eskom security management requirements that may be introduced during the construction period of the project.</p> <ul style="list-style-type: none"> • Letter of undertaking to comply with Eskom Security Scope of work Specification • PDP-SOW -01 Rev 0 Scope of Work and any other Eskom security management requirements that maybe introduced during the construction period of the project. • As per the list of requirements outlined in the tender Documents <p>Planning Requirements</p> <p>The Contractor shall use Eskom approved planning tool (Oracle Primavera P6) for planning, scheduling and reporting of all works as per Reporting Data Requirement Specification for Contractors 240-83561037.</p> <p>The following must be submitted with the Tender:</p> <ul style="list-style-type: none"> • Level 4 schedule as defined in the works information which needs to indicate the following activities by the Contractor: • Design activities, reviews and acceptance • SHE documentation review and acceptance
--	--

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	<ul style="list-style-type: none"> • Quality documentation review and acceptance • Quality intervention points • Tests carried out by the Employer and/or Others • Construction activities • All activities in the Works Information (including works performed by Subcontractors) • Significant temporary works • Activity start and finish dates • Schedule to align to the submitted method statements • Key Dates. • The works is to be completed within accepted durations that are consistence with key dates provided in the contract data. • Activity sequences (no open-end logic, lags and leads to be replaced with the activities). • Assigned resources per activity (schedule should reflect the resources needed to do the work. • Free and total floats • Activities longer than 10 days should be split into sub tasks. • Calendar used clearly indicated with the holidays and pay weekends. • Assign Resources and costs to all activities (Schedule should reflect the resources needed to do the work) • Ensure that the critical path is valid • Submit Schedule basis • S curves should be submitted • Cost flow/FRI should be submitted and must align to the schedule • The contractor to ensure there is a planner/scheduler on site on a full-time (dedicated resource) basis. Submit a CV of the planner with tender. The minimum requirements/qualifications of a planner is National Diploma (Engineering/Construction), competency certificate in primavera P6 and at least 5 years of experience in construction industry/ environment. <p>Financial Analysis</p> <p>Audited financial statements not older than 18 months from the last financial year end which comprises of the following.</p> <ul style="list-style-type: none"> • Background of the company. • A signed director's/chairman's/president's report. • A signed auditor's or independent reviewer's or compiler's or accounting officer's report • Statement of financial position. • Statement of comprehensive income. • Statement of changes in equity.
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	<ul style="list-style-type: none"> • Statement of cash flows. • Notes to the financial statements. • ITA34C Income Statement Tax Assessments, only if Supplier is not audited; and • Public interest score (PIS)-Only applicable to companies registered in South Africa. • Supplier Payment Term Policy 240 – 165040111,60 days payment . <p>Supplier Review Requirements (at contract execution only) The successful tenderer will be required to submit supplier review documents as and when requested by the <i>Project Manager</i> to assess the health and performance of the project during the execution. The template for the review assessment forms part of the Works Information within the tender documents.</p> <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p>CIDB Requirements are applicable to all Sections A, B, C and D of Medupi-Witkop 400kV Transmission Line.</p> <ol style="list-style-type: none"> 1. It is required that tenderers must have a valid Construction Industry Development Board (cidb) contractor grading of 9EP. 2. Joint ventures are eligible to submit tenders provided that :- <ul style="list-style-type: none"> • 2.1 every member of the Joint venture (JV) is registered with the cidb; • 2.2 the lead partner has a contractor grading designation in the 8EP CIDB. class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status;

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	<ul style="list-style-type: none"> 2.3 the combined contractor grading designation calculated in accordance with the cidb regulations is equal to 9EP or higher than a contractor grading designation determined in accordance with the sum tendered for a 9EP class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations. <p>Please note: That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</p> <p>Employer (Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing ; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.</p>
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Please note:

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

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

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

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

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

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1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing. The below requirements are applicable to all Sections **A, B, C** and **D** of Medupi-Witkop 400kV Transmission Line.

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	<p>One (1) complete original tender; One (1) hard copy identical to the original tender.</p> <p>None compliance to the above will result in disqualification.</p> <p>Eskom also requires that one (1) additional complete soft copy of the original tender be submitted in electronic format such as memory stick. Note: A soft copy is not mandatory requirement.</p>	✓	
<p>Sub-contracting to designated groups</p> <p>Please Note that : “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>Signed sub-contracting intent agreement or letter committing to subcontract 30% of the work to either of the following:</p> <ul style="list-style-type: none"> • an EME or QSE which is at least 51% owned by black people • an EME or QSE which is at least 51% owned by black people who are youth; • an EME or QSE which is at least 51% owned by black people who are women; • an EME or QSE which is at least 51% owned by black people with disabilities; • an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships; • a cooperative which is at least 51% owned by black people; • an EME or QSE which is at least 51% owned by black people who are military veterans; or 	✓	

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Failure to comply will result in disqualifications	<ul style="list-style-type: none"> more than one of the categories referred to above. 		
	CSD number of sub-contractors	✓	
	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 sub-contractor .	✓	
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services	✓	
Annexure E	CPA(IG) for imported goods/services	N/A	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	✓	
Annexure G (applicable for all suppliers including foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Annexure I	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 J	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)		✓
Supplier Development and Localization and Industrialization: *“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	Main contractor: (these requirements are for the main contractor/ tendering companies) 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 date; 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-	✓	

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Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.	BBEE for purposes of PPPFA scoring and ranking. A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.		
Reverse e-auction training acknowledgement form (if applicable)			N/A
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)	✓	
	<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; (as may be applicable for the particular tendering entity).</p> <p>A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.</p>	✓	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.	✓	

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

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	<p>submission of tenders if this is agreed with the Employer.</p> <p>It is estimated that tenderers should have a CIDB contractor grading designation of 9EP.</p> <p>However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.</p>		
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.	✓	
Authorized person	Confirmation that a person signing a tender is duly authorized person signing the documentations. Ineligible tenderers will be disqualified.	✓	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))			✓
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓
Quality	Documents that may be required per scope of work		✓
Other safety/quality documents as required per scope of works			✓

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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/TECHINICAL CRITERIA			
Technical (required for functionality scoring of 70%)	As detailed in the Technical Evaluation Criteria Medupi – Witkop 400kV Technical Evaluation Criteria Returnables Template Unique Identifier: 240-141157901 Document Unique Identifier: LES1218	✓	

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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 Content List, and that each document is complete. ☐

Or: Incorrect or incomplete for the following reasons: ☐

Cataloguing Acknowledgement:

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

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

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

Invitation to Tender/Request for Proposal No: _____

Name of company/JV: _____

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Country of registration_____

Name of contact person:_____

Contact details of contact person:

Tel (landline) _____

Cell phone_____

e-mail address_____

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

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

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

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

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

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4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status_____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 8.1 Confirm if you intend sub-contracting

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

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

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

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

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

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

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

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

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

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

A. Single tenderers

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

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST

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

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

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

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

Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

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

5. NUMBER OF FORMULAE & INDICES

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

6. CPA FIXED PORTION


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

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be:
The month before the month in which the Enquiry closes
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes
- In this case, the following shall apply:
 - Where the average is published:
The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:
The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published:

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The Cash Settlement or Cash Sellers Price

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

8. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer

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Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

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

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Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

Please note that the contracting party must be the direct importer of the goods
Applicable (Y / N)

Payment Method 1B;

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

Please note:

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

Applicable(Y/N) or

Payment Method 2:

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

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

Please note:

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

Applicable (Y/N).....

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

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

Fixed ZAR pricing

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

Applicable (Y/N).....

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

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

PART 2: EXCHANGE RATES

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

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

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

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

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

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

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

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

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

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4.2 EXPATRIATE LABOUR METHOD

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

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

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

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

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

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

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

Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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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.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

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

3. Does any portion of the goods or services offered have any imported content?
(Tick applicable box)

YES	<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

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.

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

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

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

IN RESPECT OF BID NO.

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

.....

NB

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

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

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

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R

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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)

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




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



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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					


THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED
IN THE BID BOX SITUATED AT (STREET ADDRESS)

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs)]					

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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 PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

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1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

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

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

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Annexure H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) The 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	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
Total points for Price and B-BBEE must not exceed	100

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

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

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

2. DEFINITIONS

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

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3. POINTS AWARDED FOR PRICE

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

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

80/20 or **90/10**

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?
(***Tick applicable box***)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

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

(***Tick applicable box***)

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

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

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

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Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION


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

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of

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

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

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

Annexure I: PAYE Questionnaire for Service Contract for Eskom Group Companies.

Refer to PAYE Questionnaire for Service Contract

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ANNEXURE J – Supplier Development Localization and Industrialization Undertaking

SD&LI Undertaking

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

Subcontracting:

BBBEE requirements: All tenderers must at a minimum maintain their BBBEE status throughout the contract period.

Scope that may be subcontracted and/ outsources includes, Surveying & Pegging; Bush Clearing; Transport; Security; Hiring of portable toilets; Installation of gates; Rehabilitation; Accommodation; Site establishment etc. Eskom target for this subcontracting is 30% of contract value.

Eskom target	Tenderer Proposal
30%	

Job Creation

Suppliers should propose the number of jobs to be created as a direct result of this contract. This proposal must be done in the table below.

Number of Jobs to be created	Proposed number of Jobs	Number of Jobs to Retain
100% of unskilled workers to be sourced from local community.		

Tenderer to priorities employing semi-skilled and general labour from local to site communities.

The following SDL&I obligations will be negotiated with the successful supplier prior to contract award.

Controlled Disclosure

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

Medupi Witkop 400kV Section A

NOTE TO TENDERERS:

- The criteria, weightings and targets are set by Eskom.
- Industrialisation : Localisation includes proposed investment in plant through the establishment of new or expand existing capacity and capability. Suppliers proposing to increase local content through investment in plant must complete a separate template (commitment plan).

Legend

- To be completed by Supplier Development and Localisation Representative
- Automatically calculated or no calculation required
- To be completed by Supplier Development and Localisation Representative
- To be completed by Tenderer

TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS

Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	50.00%	100.00%		0.00%
Local Content Local to Site	0.00%	0.00%		
Procurement from LBS	0.00%	0.00%		
Procurement from BWO	0.00%	0.00%		
Procurement from BYO	0.00%	0.00%		
Skills Development	50.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX

Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Trainee Foreman		30.00%	2				0.00%
Steel Assemblers		20.00%	7				0.00%
Machine/Equipment operators		20.00%	2				0.00%
SHEQ Trainee		30.00%	1				0.00%
							0.00%
Total		100.00%	12	0	0	0	0.00%

ADDITIONAL NOTES:

Local Content Local to Site refers to resourced obtained from the municipal district or province in which the project will take place.
 Skills Development candidates Local to Site shall be sourced from the district municipality or province in which the contracted goods or services will be consumed.
 Skills Development candidates Local to South Africa shall be sourced elsewhere in South Africa either than the province in which the project takes place.
 The targets and proposals for skills development Local to South Africa and Local to Site are exclusive.

To be completed by Tenderer

Number of jobs to be <u>created</u> as a result of this contract	
Number of jobs to be <u>retained</u> as a result of this contract	

To be completed by Tenderer

Company: _____

Designation: _____

Signature: _____

Date: _____

Supplier Development and Localisation Representative

Name: _____

Signature: _____

Date: _____

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Medupi Witkop 400kV Section B

NOTE TO TENDERERS:

- The criteria, weightings and targets are set by Eskom.
- Industrialisation : Localisation includes proposed investment in plant through the establishment of new or expand existing capacity and capability. Suppliers proposing to increase local content through investment in plant must complete a separate template (commitment plan).

Legend

- To be completed by Supplier Development and Localisation Representative
- Automatically calculated or no calculation required
- To be completed by Supplier Development and Localisation Representative
- To be completed by Tenderer

TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS

Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	50.00%	100.00%		0.00%
Local Content Local to Site	0.00%	0.00%		
Procurement from LBS	0.00%	0.00%		
Procurement from BWO	0.00%	0.00%		
Procurement from BYO	0.00%	0.00%		
Skills Development	50.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX

Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Trainee Foreman		30.00%	2				0.00%
Steel Assemblers		20.00%	10				0.00%
Machine/Equipment operators		20.00%	2				0.00%
SHEQ Trainee		30.00%	1				0.00%
Total		100.00%	15	0	0	0	0.00%

ADDITIONAL NOTES:

Local Content Local to Site refers to resourced obtained from the municipal district or province in which the project will take place.
 Skills Development candidates Local to Site shall be sourced from the district municipality or province in which the contracted goods or services will be consumed.
 Skills Development candidates Local to South Africa shall be sourced elsewhere in South Africa either than the province in which the project takes place.
 The targets and proposals for skills development Local to South Africa and Local to Site are exclusive.

To be completed by Tenderer

Number of jobs to be created as a result of this contract	
Number of jobs to be retained as a result of this contract	

To be completed by Tenderer

Company: _____

Designation: _____

Signature: _____

Date: _____

Supplier Development and Localisation Representative

Name: _____

Signature: _____

Date: _____

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Medupi Witkop 400kV Section C

NOTE TO TENDERERS:

- The criteria, weightings and targets are set by Eskom.
- Industrialisation : Localisation includes proposed investment in plant through the establishment of new or expand existing capacity and capability. Suppliers proposing to increase local content through investment in plant must complete a separate template (commitment plan).

Legend

- To be completed by Supplier Development and Localisation Representative
- Automatically calculated or no calculation required
- To be completed by Supplier Development and Localisation Representative
- To be completed by Tenderer

TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS

Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	50.00%	100.00%		0.00%
Local Content Local to Site	0.00%	0.00%		
Procurement from LBS	0.00%	0.00%		
Procurement from BWO	0.00%	0.00%		
Procurement from BYO	0.00%	0.00%		
Skills Development	50.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX

Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Trainee Foreman		30.00%	2				0.00%
Steel Assemblers		20.00%	7				0.00%
Machine/Equipment operators		20.00%	2				0.00%
SHEQ Trainee		30.00%	1				0.00%
Total		100.00%	12	0	0	0	0.00%

ADDITIONAL NOTES:

Local Content Local to Site refers to resourced obtained from the municipal district or province in which the project will take place.
Skills Development candidates Local to Site shall be sourced from the district municipality or province in which the contracted goods or services will be consumed.
Skills Development candidates Local to South Africa shall be sourced elsewhere in South Africa either than the province in which the project takes place.
The targets and proposals for skills development Local to South Africa and Local to Site are exclusive.

To be completed by Tenderer

Number of jobs to be created as a result of this contract	
Number of jobs to be retained as a result of this contract	

To be completed by Tenderer

Company: _____
Designation: _____
Signature: _____
Date: _____

Supplier Development and Localisation Representative

Name: _____
Signature: _____
Date: _____

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Medupi Witkop 400kV Section D

NOTE TO TENDERERS:

- The criteria, weightings and targets are set by Eskom.
- Industrialisation : Localisation includes proposed investment in plant through the establishment of new or expand existing capacity and capability. Suppliers proposing to increase local content through investment in plant must complete a separate template (commitment plan).

Legend

- To be completed by Supplier Development and Localisation Representative
- Automatically calculated or no calculation required
- To be completed by Supplier Development and Localisation Representative
- To be completed by Tenderer

TABLE 1: SUPPLIER DEVELOPMENT AND LOCALISATION COMPLIANCE MATRIX FOR SUPPLIERS AND CONTRACTORS

Criteria	Weight (%)	Total Target (%)	Proposed Target (%)	Total Overall Weighted Score
Local Content to South Africa	50.00%	100.00%		0.00%
Local Content Local to Site	0.00%	0.00%		
Procurement from LBS	0.00%	0.00%		
Procurement from BWO	0.00%	0.00%		
Procurement from BYO	0.00%	0.00%		
Skills Development	50.00%			0.00%
Total Score	100.00%			
Total Supplier Development and Localisation Score				0.00%

TABLE 2: SKILLS DEVELOPMENT COMPLIANCE MATRIX

Skill Type (Occupation)	OFO Occupational Group	Weight (%)	Target Number of Persons to be Trained (Local to South Africa)	Proposed Number of Persons to be Trained (Local to South Africa)	Target Number of Persons to be Trained (Local to Site)	Proposed Number of Persons to be Trained (Local to Site)	Total Weighted Score
Trainee Foreman		30.00%	2				0.00%
Steel Assemblers		20.00%	7				0.00%
Machine/Equipment operators		20.00%	2				0.00%
SHEQ Trainee		30.00%	1				0.00%
							0.00%
Total		100.00%	12	0	0	0	0.00%

ADDITIONAL NOTES:

Local Content Local to Site refers to resources obtained from the municipal district or province in which the project will take place.
 Skills Development candidates Local to Site shall be sourced from the district municipality or province in which the contracted goods or services will be consumed.
 Skills Development candidates Local to South Africa shall be sourced elsewhere in South Africa either than the province in which the project takes place.
 The targets and proposals for skills development Local to South Africa and Local to Site are exclusive.

To be completed by Tenderer

Number of jobs to be created as a result of this contract	
Number of jobs to be retained as a result of this contract	

To be completed by Tenderer

Company: _____

Designation: _____

Signature: _____

Date: _____

Supplier Development and Localisation Representative

Name: _____

Signature: _____

Date: _____

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The supplier is required, on contract award, to submit a training programme to Eskom for approval as part of the implementation schedule, which sets out the following in detail:

- The time required to identify suitable individual for skills development;
- The entry level and the outcome of each skills development category;
- To identify the skills and learnership programme for attaining National Certificate at NQF level (if applicable);
- The manner in which the candidates will be recruited and assessed for suitability;
- Details of the training provider;
- Skills Development site structure.

SDL&I Penalty and Performance Security

Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&I obligations.

As security for the fulfilment of all SDL&I obligations, Eskom will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&I performance reports every quarter; or failure to meet the SDL&I obligations in a contract

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