

	<b>Invitation to Tender/ Request for Proposal</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	18	
		<b>Effective Date</b>	07 June 2024			
		<b>Review Date</b>	June 2029			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**

**PROCUREMENT OF INSURANCE MANAGEMENT SYSTEM**

**To provide a Turnkey Service to Implement a fully functional and supported Integrated Insurance Management Solution that can support Escap SOC Ltd to meet the regulatory, compliance and financial requirements, improve its processes, controls, analysis, and auditing, to better manage Eskom’s insurance risks, and access to high-quality data for accurate reporting, and train the System users. Including Maintenance and Support of the Insurance Management System.**

<b>Tender number</b>	<b>MWP2640CX</b>
<b>Issue date</b>	<b>15 July 2024</b>
<b>Closing date and time</b>	<b>15 August 2024 at 10h00</b> <b>Late tenders will not be accepted.</b>
<b>Tender validity period</b>	<b>6 months from the closing date and time</b>
<b>Clarification meeting</b>	<b>Non-compulsory clarification meetings will be held on 22 July 2024 at 09h00 via Microsoft Teams. All suppliers to confirm their attendance to <a href="mailto:Ndunenw@eskom.co.za">Ndunenw@eskom.co.za</a></b>
<b>Tenders are to be delivered to the following address by the stipulated closing date and time</b>	<b>Eskom Megawatt Park Tender Office</b> <b>Northside (Retail Park)</b> <b>No1 Maxwell Drive, Sunninghill</b>  <b>Eskom will not take any responsibility for any late submissions as a result of non-compliance of the tender delivery requirements.</b>

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## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for Procurement of Insurance Management System - To provide a Turnkey Service to Implement a fully functional and supported integrated Insurance Management Solution that can support Escap SOC Ltd to meet the regulatory, compliance and financial requirements, improve its processes, controls, analysis, and auditing, to better manage Eskom’s insurance risks, and access to high-quality data for accurate reporting, and train the System users. Including Maintenance and Support of the Insurance Management System.

The enquiry documents are supplied to you on the following basis:

1. Free of charge

Eskom has delegated the management of this enquiry to the Eskom Representative whose name and contact details are set out in the Tender Data. The submission of a tender/proposal by you in response to this enquiry will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at [www.eskom.co.za](http://www.eskom.co.za).

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

Yours faithfully



Procurement Manager

Thuksi Sereo

Date: 15 July 2024

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### 1.1 Annexures to the Tender

The documents listed in this paragraph are attached to this enquiry.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	Y
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content	Annexure G1	Y
	Annexure C Local Content Declaration-Summary Schedule	Annexure G2	Y
	Annexure D Imported Content Declaration – Supporting Schedule to Annexure C	Annexure G3	Y
	Annexure E Local Content Declaration-Supporting Schedule to Annexure C	Annexure G4	Y
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	N/A	
1.1.12	Reverse e-auction training acknowledgement form	N/A	

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1.1.13	Reverse e-auction process	N/A	
1.1.14	CIDB Contract Skills Development Goals (CSDG)	N/A	
1.1.15	Contract Participation Goals (CPG)	N/A	
1.1.16	Scope of Work Technical Evaluation Criteria	Refer to Annexure K1 Refer to Annexure K2	
1.1.17	NEC 3 Term Service Contract	Refer to Annexure L	
1.1.18	SDL&I Bidder Template	Refer to Annexure M	
1.1.18	Pricing Schedule	Refer to Annexure N	

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## 1.2. Tender Data

The Tender Data makes several references to the Eskom Standard Conditions of Tender and in those instances, the clause numbers are referenced hereunder. If the Eskom Standard Conditions of Tender are not attached to the enquiry, then tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The “Tender Data” as detailed herein shall take precedence over the Standard Conditions of Tender in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Wendy Nduneni</b>  Tel: <b>011 800 4824</b>  E-mail: <a href="mailto:Ndunenw@eskom.co.za">Ndunenw@eskom.co.za</a></p>
1.3 Enquiry documents	<p>The Invitation to tender is:</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of enquiry	<p>This enquiry is:</p> <ol style="list-style-type: none"> <li>An open invitation to tender.</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the <b>whole</b> of the contract.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <ol style="list-style-type: none"> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.</li> </ol>

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	<p>3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non- authorised persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work.</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
<p>2.2 -2.5 Tender Closing</p>	<p>The deadline for tender submission is: Date <b>15 August 2024</b> Time: 10h00</p> <p><b>Late Tenders will not be accepted.</b> Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE Eskom Holdings SOC Limited Tender Office Megawatt Park (Retail Centre) 1 Maxwell Drive Sunninghill</b></p>
<p>2.9 Submitting a tender -Original tender and copy</p>	<p>The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, and a copy of the original tender is not submitted at all, the tenderer will be disqualified.</p> <p>Eskom may also require that 1 additional complete soft copy of the original tender is required in electronic format.</p>

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	<p><b>N.B.: The package (envelope/box) for the tender documents shall be clearly marked on the outside:</b></p> <p style="text-align: center;"><b>CONFIDENTIAL MWP2640CX</b></p> <p style="text-align: center;"><b>Eskom Holdings SOC Limited Tender Office Megawatt Park (Retail Centre) 1 Maxwell Drive Sunninghill</b></p> <p><b>Evaluations are based on the copy provided. Therefore, it is the tenderer's responsibility to ensure that the copy is 100% identical to the original and Eskom will not accept any liability if it conducts its evaluations on an incomplete copy provided by the tenderer.</b></p>
2.12 Tender Validity Period	The tender validity period is 6 months.
2.15 Site visit and/or clarification meeting	<p><b>A non-compulsory meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>22 July 2024</b> Time: <b>09h00</b></p> <p>Venue: Via Microsoft Teams. Details of the meeting will be sent to suppliers who RSVP to attend the clarification session.</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating their names and company 2 days before the session.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is <b>[5]</b> working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.32 Cataloguing	The successful tenderer may be required to provide the cataloguing information per item after contract award, and in that instance, will need will to ensure that all materials delivered to Eskom are labelled in line with Eskom's labelling specifications as may be stipulated. Where cataloguing is a requirement, the Pricing Schedule must also include a line item for cataloguing, which tenderers are required to quote for. Eskom will pay for the cataloguing.

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2.33 Provision of Security for Performance	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.</p> <p>The following bonds are required for this enquiry:-</p> <p>A <b>Performance Bond</b> of 10% of the Total contract value will be required from the Tenderer whose financial standing is not in a position to assume the financial obligations required to render the services for the Tenderer.</p> <p>The Performance Bond shall be from an institution approved by the Eskom Treasury department.</p>
3.4 Tender Opening	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on:  Place: Eskom Megawatt Park Tender Office Northside, No 1 Maxwell Drive Sunninghill  Date: 15 August 2024  Time: 10h00 (South African Standard time)</p>
3.5 Prices to be read out or not	Prices will <b><i>not be read out.</i></b>
3.9 Basic Compliance	<p>Basic compliance with this enquiry requires a tenderer to meet all the following requirements:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria;</li> <li>2. Submit a complete original tender with commercial, financial and technical information;</li> <li>3. Submit the original tender in paper form, plus a copy of the original, also in paper form; and</li> <li>4. Submit the mandatory commercial tender returnables at the stipulated deadlines.</li> </ol>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines stipulated in the Tender Returnable section will be deemed non-responsive.
3.12 Functionality requirements	<p>Functionality requirements are <b><i>applicable.</i></b></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p>

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Stage	Weighting	Total	Total RFP Threshold = 70%	Final Score RFP + Demo
RFP	Key Requirements	10%	10,00%	50% RFP
	Functional (Customer Services)	30%	30,00%	50% Demo
	Non-Functional	10%	10,00%	
<b>RFP</b>			<b>100,00%</b>	
RFP	Technical	20%	20,00%	
	integration and Testing	20%	20,00%	
	Security	10%	10,00%	Final Score RFP + Demo
<b>Total</b>		100%		
Tenderers who do not meet the threshold for functionality scoring will be disqualified.				
3.14 Evaluation of Price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>Inclusive of VAT;</li> <li>Corrected for arithmetical errors;</li> <li>Excluding contingencies in any bill of quantities or activity schedule'</li> <li>Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and</li> <li>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.</li> <li>Unconditional discounts will be taken into account for evaluation purposes.</li> <li>Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected.</li> </ol> <p>Prices will be scored out of 80/90 points</p>			
3.16 Evaluation of Specific Goals	Specific goals will be scored out of [20 or 10] points in accordance with the PPPFA.			

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	<p>If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified. However, it will be awarded 0 points for that Specific Goal.</p>
3.17 Ranking of tenders	<p>Tenderers will be ranked by applying the preferential point scoring for the [90/10 or 80/20] system.</p> <ol style="list-style-type: none"> <li>1. 90/10 for tender with a rand value above R50 million or</li> <li>2. 80/20 for tender with rand value equal to or below R50 million</li> </ol> <p style="text-align: center;">OR</p> <p>state that either 80/20 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> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p>
3.18 Objective Criteria	Objective criteria are <b>not applicable</b> .
3.19 Reverse e-auction	Reverse e-auction is <b>not applicable</b> .
Contractual Requirements	<p><u>Mandatory Contractual Requirements that <b>must</b> be included in all tenders is the following: -</u></p> <ul style="list-style-type: none"> <li>• Proof of CSD registration</li> </ul> <p><u>Additional Contractual Requirements that may be included if applicable:</u></p> <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> <li>• Financial viability (submission of financial statements)</li> <li>• SDL&amp;I requirements</li> </ul> <p><b>Contractual Requirements are not evaluation criteria. They will be assessed after the evaluation and ranking of the tenders. Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award.</b></p> <p><b>Failure to meet stipulated Contractual Requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p>
3.22 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the <b>NEC 3 Term Service Contract</b>
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are <b>not applicable</b> .

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**Please note:**

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

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

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

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

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

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

**1.2 TENDER RETURNABLES**

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

**NOTE THE FOLLOWING: -**

**\* Returnables required at Tender closing (disqualifiable): -**

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

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

These returnables are required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the

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Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not fully completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	Original tender plus one copy, both in paper form	√		
<b>Annexure A</b>	Authorisation Form		√	
<b>Annexure B</b>	Acknowledgement Form		√	
<b>Annexure C</b>	Tenderers Particulars		√	
<b>Annexure D</b>	Integrity Pact Declaration form		√	
<b>Annexure E</b>	CPA for local goods/services (if applicable)	√		
<b>Annexure F</b>	CPA(IG) for imported goods/services (if applicable)	√		
<b>Annexure G1-G4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4			√
<b>Annexure H</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			√
<b># Annexure I</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
<b>Annexure J</b>	SBD 4 – Bidders Disclosure		√	
Reverse e-auction training				N/A

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acknowledgement form (if applicable)				
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			√
<b># Specific Goals</b>	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that 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 complete the SBD1 document; however, no proof of tax compliance is required.			√
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			√
<b>Compliance with Employment Equity Act</b>	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)			√
<b>CIDB (where applicable)</b>	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		N/A	

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	date of submission of tenders if this is agreed with the Employer			
<b>NEC or other Contract</b>	NEC Term Service Contract.	√		
<b>Pricing schedule</b>	Completed pricing schedule (if not already submitted in the NEC or other Contract).	√		
<b>Additional documents required to scope of work)</b>	<b>All returnables pertaining to scope and evaluation criteria.</b>	√		
	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE :</b>			
<b>Mandatory Contractual Requirement</b>	<b>Proof of valid and current CSD Registration (CSD number/CSD Report)</b>			√
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Safety</b>	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), and other applicable returnables.			√
<b>Quality</b>	Refer to Quality documents.			√
<b>Other safety/quality documents as required per scope of works</b>	N/A			√
<b>Environmental</b>	N/A			√
<b>Due Diligence/financial analysis</b>	<p>Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year.</p> <p>In the case of a joint venture or special purpose vehicle (SPV) specially formed for this tender, audited financial statements for each participant in the JV / SPV must be submitted.</p> <p>Start-up enterprises formed within the last 12 months are not required to submit audited financial statements, but if successful in this enquiry; will be required to furnish statements for the first year once available.</p>			√
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
<b>Functionality/Technical</b>	<p>1 <i>Scope of work- Annexure K1</i></p> <p>2. Technical Evaluation criteria <i>Annexure K2</i></p>	√		

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**Scope of work -Annexure K1**

Provide a Turnkey service to implement a fully functional and supported integrated insurance management solution that is capable of supporting Insurance management to meet the regulatory, compliance and financial requirements, improve its processes, controls, analysis, and auditing, to better manage Eskom’s insurance risks, and access to high-quality data for accurate reporting, and train the system users.

Provide support and maintenance of the solution over a period of 5 Years.

Functionality Grouping (Process activity impacted)	Req No.	Functionality	Business Rule Description (contents, sequence, grouping)
<b>Policy Management</b>	FR 1	Client Profiling	Create client profile by determining the client’s risk, analyse the status etc.
	FR 2	Develop products	The product to include product name, description, limits, deductibles, retentions, aggregate limits, residual deductibles, coverage types, exceptions etc.
	FR 3	Update/renewal of products	This will be done on an annual basis before the beginning of financial year (exceptions to be catered for)
	FR 4	Capture premiums (for deviations purposes)	This will be an exception to allow for deviations in determined premiums
	FR 5	Split premiums per line of business, cost centre level (structural premium split)	Line of business - Similar risk grouping Product - What is being insured. Coverage - What does the policy cover
	FR 6	Link to Eskom asset values for declarations consolidations as our client, to draw information from other systems in order to be able to perform risk assessment	SAP (HR, FI, Fleet, Projects, EHS, MM, Plant Performance Management (PPM), SRM, ERE)

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		(SAP systems, Primavera)	
	FR 7	Consolidation	Automated consolidation of information drawn from different sources
	FR 8	Determine product premiums	Using information from other systems and formulas
	FR 9	Issue quotations from the system	An accepted/declined quotation should automatically be uploaded to the system from the client (workflow)
	FR 10	Issue policy automatically from the system	Ability to provide policy cover letters after renewal and policy contract showing limits, sub-limits and deductibles. Workflow notification on policy updates to the sender and the client
	FR 11	Identify and record all policy changes and activities	Flag information that has changed on the policy and/or specific changed field
	FR 64	Sasria Cover Application	Link to Sasria System and issue Sasria coupons from our System – allocating Sasria coupon numbers which can do calculations from Sasria rates including magnitude discounts. If rates change
<b>Re-insurance</b>	FR 12	Determine retentions limits for the products	Use the following: <ul style="list-style-type: none"> <li>• Claims history.</li> <li>• Survey reports</li> <li>• Previous re-insurance structures</li> <li>• Eskom asset values</li> <li>• Global market changes and conditions</li> </ul>
	FR 13	Update retention limits for the products	
	FR 14	Loading of re-insurers, share of risk (layering), share of liability and share of premium	Participation in terms of: the product, at which Risk? admitted or non-admitted

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	FR 15	Automatically calculate share of re-insurance liability and share of premium based on share of risk	
	FR 16	Update re-insurance programs onto the policies	
	FR 17	Manage Reinsurer accumulations per policy/programme	Build reinsurance retention limits program, referenced for each claim type
	FR 18	Track all re-insurance premiums paid and outstanding	Build reinsurance retention limits program, referenced for incoming and outgoing premiums
<b>Finance</b>	FR 19	Create automated journals with SAP FI	If Group Insurance will still be collecting premiums using SAP FI, then journals will have to be created for Eskom Group. If Escap will collect the premiums directly, then an invoice will have to be issued
	FR 20	Create automated invoices specifically for subsidiaries and external clients	
	FR 21	Provision for incoming payments i.e., what is recovered from third parties, salvage, premiums etc.	
	FR 22	Track all premiums received and outstanding	
	FR 23	Claims payments to be processed from one source system i.e., have one payment run	
	FR 24	Track all payment reversal/rejected documents	If payment is rejected/reversed, then automatically reverse from the claim

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	FR 25	Remittance advices to be automatically sent to the payee's	
	FR 26	Manage Cashflow and Projections	
	FR 27	Monthly Payment run Reconciliation Management	
	FR 28	Provision for outgoing payments i.e., Claims payable at a given period	Functional development resulting to the Reserving Report
	FR 68	Cashflow Projections	Provide future cashflow projections for claims settlement using set criteria e.g., status, trends, and probabilities
<b>Claims Management</b>	FR 29	First Notice of Loss	Policy Holder and existence verification and Incident stage functionality before a claim is registered, through smartforms.
	FR 30	Capture claims	Capture claims end-to-end including all the objects required like master data and service provider business partners, other claims participants etc.
	FR 31	Process claims	Defined through Role-Based performance and access and segregation of duties
	FR 32	Information from other systems to be readily available when capturing and processing claims	SAP (HR, FI, Fleet management (IFMS), Projects, EHS, SAP MM, Plant Performance Management (PPM), SRM, ERE) etc.
	FR 33	Process claims payment	The payments of claims to move to different statuses like: <ul style="list-style-type: none"> <li>• New</li> <li>• To be approved (workflow)</li> <li>• Approved (workflow)</li> <li>• Rejected (workflow)</li> <li>• Reversed (notification)</li> </ul>
	FR 34	Claims Document Management	Once documents are uploaded from various sources, approval

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			needs to take place for that document to be deleted or moved to the correct place
FR 35	Workflow approval for claims captured		Task management functionality
FR 36	Delegation of authority		Incorporate delegation of authority levels or limits for approvals or rejection of claims and payments
FR 37	Workflow approval for claims payments		Task management functionality
FR 38	Update the status of the claim (Other relevant statuses will be reviewed during implementation)		<p>Claims to move to different statuses like:</p> <ul style="list-style-type: none"> <li>• New Incident</li> <li>• New</li> <li>• Approved</li> <li>◆ in principle</li> <li>◆ for payment</li> <li>• Cancelled</li> <li>• Pending</li> <li>• Declined</li> <li>• Closed</li> <li>◆ Final</li> <li>◆ With salvage</li> <li>◆ With subrogation</li> <li>• Re-opened.</li> <li>• Service provider appointed according to their participation roles.</li> </ul> <p>◆</p>
FR 39	Build Master Data integration		Build vendor master integration between Insurance and Eskom Vendor Master
FR 40	Manage business partners/service providers		Create and amend service providers/business partners on the system
FR 41	Appointing service providers		Service provider's information to be sourced from the source systems. If there are updates, then it should show on this system. Appointed in a rotational system according to their roles,

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		expertise and geographical location
FR 42	Search functionality	Option to search for service provider categories (i.e., organisation, people) and status (blocked and/or archived))
FR 43	Generate service provider's correspondence	When appointing the service provider, the correspondence should be automatically created according to the appointment type (new assessment, opinion, cost validation, comments, settlements, litigation etc.) and sent to that specific provider
FR 44	Salvage process activities	Ability to capture and manage the end-to-end salvage activities
FR 45	Subrogation process activities	Ability to capture and manage the end-to-end subrogation activities
FR 46	Litigation process activities	Ability to capture and manage the end-to-end litigation activities
FR 47	Interface with service providers systems (i.e., capability to be able to import and export information from/to service providers / brokers)	Receive information from service providers. Service providers to send information like assessment reports etc. directly to the system.
FR 48	The system might need to be able to interface with SASRIA's or other external systems if required	
FR 49	Claims Reserving function	Define system reserving methodology
FR 50	Flag claims without any movements	Flag claims that have not moved for a specific period and produce a dashboard for those claims. Claims with Incomplete data exceptions, claims passed prescription

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<b>Customer Relations Management</b>	FR 51	Communication, query links, complaints process and customer surveys	Build Links for customer communication for in/outgoing communication. Creation of questionnaires and customer queries and complaints reports
	FR 52	Build in standard forms and templates (Smartforms)	Need to be able to have standard templates and forms for letters, policies and correspondence to policyholders and claimants etc. from these standard templates
	FR 53	Customer/Guest user interface	Have the ability to give access to customers/guests who are non-system users for viewing of their insurance portfolios in a form of dashboards
<b>Governance Risk and Control</b>	FR 54	Auditing functionality	Audit criteria will be built onto the system once the system is implemented
	FR 55	Risk Management Functionality	Ability to have full integrated risk management function that interface to CURA
	FR 56	Access control management and user activity	Role and activity-based security that provides excellent controls for managing user access, with a full audit trail of activities performed
	FR 57	Audit trail and control	Need to be able to incorporate and update any changes to risk policies, processes, and control requirements into the system
<b>Data Requirements</b>	FR 58	Need to cater for International Financial Reporting Standard (IFRS) 17 data requirements and Escap's annual financial statement (AFS) disclosure requirements.	<p>Be able to produce data requirements that are required by IFRS 17.</p> <p>There are substantial and onerous data requirements needed to implement International Financial Reporting Standard (IFRS) 17 (Insurance Contracts) by April 2022 for comparative figures)</p>

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			Note: Escap is only starting its work to determine the detailed data requirements and will be taking part in this process with an external advisor (EY).
<b>Other Functionality</b>	FR 59	Interface with Regulatory Bodies systems	Interface with Financial Services Sector Regulatory systems or applications, RAF, COID, Sasria to ensure that claims payments are not duplicated if covered by the regulatory insurance and Escap and align to or top-up from set regulatory settlement criteria
	FR 60	GIS/Google Earth	Mapping of Eskom insured asset's locations and Risks relation to geographical factors that may affect Dx and Tx Lines and specified and flagged Flood lines
	FR 61	Weather Services	Flash reports for unfavourable weather conditions, e.g., floods, storms
	FR 62	Service Provider Panel and systems Links	Ability to create our own panel of services providers in a view and report format linked to Central Database/Vendor System.  Ability to capture the Service Providers professional fees standard rates
	FR 63	Link to Global Ratings Agencies	Link to Ratings agencies for monitoring changes of the credit ratings of our insurers
	FR 65	Link to (AA) Automobile Association	Link to AA rates applicable to any travel allowance or fees for reference to service provider for assessing task orders for invoice payments
	FR 66	Contract Management SLA	Develop contract management and Service Level Agreements performance criteria

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	FR 67	Process and Activity Documentation and downloads	Ability to create and download policies, process activity documentation in PDF format.
	FR 68	Captive Management	Capability for captive management functionality
<b>Reporting Requirements</b>	R1	Regulatory and Compliance reporting	Indication of policies issued; premiums charged. Policies issued per product, per line of business that will indicate the premium charged
	R2		Compliance to Escap's insurance licence and the Insurance Act. Reports relating to the classes and sub-classes of business as set out in Escap's insurance licence and the Insurance Act.
	R3	Policy changes report.	Information that has changed on the policy and/or specific changed field.
	R4	Reinsurance reporting	<ul style="list-style-type: none"> <li>• Re-insured Products</li> <li>• Share of liability for each insurer</li> <li>• Re-insured premiums</li> <li>• Re-insurance recoveries</li> </ul>
	R5	Payment run report	That will show what has been paid for that specific period
	R6	Salvage report.	Report on how many salvages identified, reported, and processed.
	R7	Subrogation report.	Report on the status of subrogation process in claims.
	R8	Litigation report.	Report on litigation matters (i.e., is it on trial, settlement offer, negotiations etc.)
	R9	Claims reserve report.	Report on reserve to the Financial Sector Conduct Authority (FSCA) (i.e., indication for the claims)
	R10	Claims ratio.	Ratio between premiums and claims. calculations of claims

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			loss ratio report for Escap and Reinsurers.
R11	Service providers performance report.		Service provider's performance against the set KPI's.
R12	Declined claims report.		Listing of all declined claims selected using different parameters.
R13	Claims report.		List all the claims captured, to be able to report on different statuses and claims objects.
R14	Re-opened claims report.		Listing of all re-opened claims selected using different parameters
R15	Actuarial report.		To be defined according to the actuaries' requirements. Should be able to provide data and information to Escap's actuaries in the format they require to enable to assist them with their calculations.
R16	Claim timeline report.		Provides claims lifecycle that is from the date the claim is opened until it is closed with all the various activities happened in between.
R17	Claimant report		To determine multiple claimants Provides all incidents and claims linked to specific claimants.
R18	Damaged objects report.		List of all the damaged assets according to the different categories.
R19	List of payments report.		Payments captured and all relevant statuses and payment document numbers with dates etc..
R20	Business partner change report.		Report on changes to Business partner master data.
R21	Estimate change report.		Information on any estimate changes on the claim.
R22	Workflow report.		Workflow activity report for incidents, claims, payments, and other related activities.

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	R23	Dashboard.	TBD according to the insurance requirements.
	R24	User Access and Activity Reports.	Information on user status, roles and related authorisations activities and identify exceptions.
	R25	Aggregate reports.	Indication of claims through the year, liabilities etc. To see how the claims are totalling up towards the aggregate limits.
	R26	Artificial Intelligence (AI).	Provide capability for Artificial intelligence.
	R27	Trend Analysis.	Ability to provide internal and external trend analysis in the specific products.

### Solution Background and Context

The requirement is to procure an Insurance Management System that can integrate various ESCAP Insurance Management capabilities, and disciplines to be hosted on premise, using the Eskom's Infrastructure as a Service:

- Procurement of Insurance Management System Software Licence and Installation
- Maintenance and Support Services
- Solution and Technical Design

#### Solution design

- Solution must include and integrate with current Eskom operational processes.
- Prepare the physical design in consultation with Eskom resources.
- Prepare and provide all documentation that defines system configuration and deployment.
- Document architecture designs, processes, procedures, and work instructions that are aligned with Eskom governance including Group IT governance.
- Provide documented user enrolment and registration processes.

#### Software licensing

- Related software and user licenses

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Development testing, configuration and implementation

- Develop test cases to ensure that the solution is comprehensively evaluated for implementation in the Eskom IT environment.
- The Insurance Management System should be implemented in Eskom’s Development, QA, Pre-Production and Production environments.
- Configure all required functional and non-functional settings in the solution to ensure optimal and secure operation thereof.

Integration Requirements

The Insurance Management System must be able to integrate with existing Eskom systems. Develop custom components to enable the solution to integrate with the following Eskom systems:

- o SAP Finance (SAP FI)
- o SAP Customer Relationship Management (SAP CRM)
- o SAP Project System (SAP PS)
- o SAP Portfolio and Programme Management (SAP PPM)
- o SAP Materials Management (SAP MM)
- o SAP Supplier Relations Management (SAP SRM)
- o SAP Plant Maintenance (SAP PM)
- o Fleet Management
- o SAP Real Estate
- o Shipping
- o CURA
- o OpenText
- o Helix
- o MS Active Directory

Integration Requirements	The Tenderer must provide technical resources to build and implement all required interfaces. Refer to the integration architecture diagram of the logical design provided by the Eskom Architect for systems that must integrate to the solution.
	Integration scope and deliverables is listed below:
	<ul style="list-style-type: none"> <li>• Analyse, design, develop, test, and deploy integration solutions based on the designs. External interfaces to integrate using Oracle Fusion 12c and IBM WebSphere (Data Power), thus the vendor should be well skilled to work with the mentioned technologies.</li> <li>• The Integration Centre of Excellence (ICOE) governance process must be followed for all approvals. Kindly reference “SOA Workgroup artefacts”. All</li> </ul>

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	<p>diagrams and processes are to be captured in the Sparx Enterprise Architect (EA).</p> <ul style="list-style-type: none"> <li>All CIM message artefacts (including Mapping Document) to be placed in the Eskom defined CIM SVN. All code to be placed in Eskom defined Code SVN repository All artefacts to be placed in the Eskom share point.</li> </ul>
	<ul style="list-style-type: none"> <li>Sparx Enterprise Architecture and Altova XMLSpy licences are to be provided by the Vendor for the staff that will be executing the formulation or updating of the Diagrams and Process during the Design</li> </ul>
	<p>The following are the integration and Testing activities and artefacts to be produced and presented at the committee for approval and sign off:</p>
	<ul style="list-style-type: none"> <li>Business test case document. Integration specification document. Mapping Document.</li> <li>CIM message artefacts including WSDL's and XSD's.</li> <li>Code and unit testing review.</li> <li>Deployment Guide.</li> <li>SIT testing review of results in ALM. SIT test case sign-off.</li> <li>Performance testing review of results in ALM.</li> <li>Performance testing sign-off.</li> <li>Pre-transfer documents for go-live approval.</li> <li>Test requirements in ALM.</li> <li>Test cases and results in ALM.</li> <li>Defects managed in ALM.</li> <li>Test plan Document.</li> <li>Non-functional Test plan document.</li> <li>Test closure reports documents.</li> <li>Performance test scripts and results.</li> </ul>
	<ul style="list-style-type: none"> <li>Provide an Integration message modeller to complete the following:</li> </ul>
	<ul style="list-style-type: none"> <li>Analysis of message requirements.</li> <li>Model or update integration message which follow a Common information model.</li> <li>Create payloads and envelopes.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Generate xsd, message model and model dictionary.</li> </ul>
	<ul style="list-style-type: none"> <li>• The testing team will be responsible to acquire the testing requirements, develop the test cases and conduct testing to ensure that the solution is comprehensively evaluated for implementation in the Eskom IT environment; The testing team will be responsible to complete all testing milestones. The testing staff may not be the same staff as the configuration or development staff. A dedicated sufficient testing team with an experienced manager must be allocated to the team. A signed off test closure report is required before a test milestone is completed</li> </ul>
	<ul style="list-style-type: none"> <li>• The following testing and testing milestones must be completed: <ul style="list-style-type: none"> <li>• Unit Testing – test results from the Contractor’s team.</li> <li>• System Integrated Testing, Functionality testing (in QA – end to end functional testing and integration testing. That means testing with other systems and ensuring that all requirements have been successfully configured). This testing must be driven &amp; executed by the Contractor but must include Eskom staff for completeness &amp; authenticity.</li> <li>• Non-Functional Testing (performance testing and disaster recovery testing). This testing must be driven &amp; executed by the Contractor but must include Eskom staff for completeness &amp; authenticity.</li> <li>• User Acceptance Testing (Testing by the Eskom customer team that the system is working and meets requirements). This testing must be driven by the Tenderer but must be executed by Eskom staff for completeness &amp; authenticity.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• All testing requirements must cover all identified interfaces that have been identified. The testing team must adhere to the TCoE Turnkey Project Requirements Guideline provided as part of the RFP document.</li> </ul>

### Non-functional Requirements - Security

The following are security requirements for the Insurance System:

1. The Insurance Management System must have a valid SOC 1 Type II and SOC 2 Type II reports and/or Bridge letter if the reports are older than six (6) months.
2. The Insurance Management System must be able to integrate with existing Eskom’s identity providers (IdP’s) Microsoft (MS) on-prem active directory (AD), MS Identity (MDI), MS Entra ID, and multi factor authentication (MFA) to enable Single sign-on (SSO).
3. Role base access control (RBAC) must be employed.

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4. Data at rest (using AES-256) and in transit or in motion (using TLS 1.2, or later version) must be encrypted.
5. Audit trails, logs, user administration and user activity logs must be enabled, encrypted, and securely kept with limited access to administrators.
6. Sensitive information such as personal identifiable information (PII) data in the development environment must be masked.
7. Incremental daily back-ups must be done, encrypted, and securely kept offsite.
8. Real-time data synchronization or data replication to a secondary or disaster recovery (DR) site, located in a different region must be employed.
9. Disaster Recovery Plan (DRP) must be defined, annually tested and such DRP test results shall be submitted to the Eskom Cyber Security team.
10. A Back up Restore Plan and Procedure must be defined, tested and such test results shall be shared with the Eskom Cyber Security team.
11. Patch Management Process must be defined. The software updates and patches shall be tested on Sandbox or development (DEV) environment prior being deployed into production (PROD) environment.
12. Data loss prevention (DLP) tool must be employed.
13. The static application security test (SAST) and dynamic application security test (DAST) must be conducted prior deploying the Insurance Management System into production environment, all critical and high vulnerabilities must be remediated prior deploying production environment, and the summary of the test results must be submitted to the Eskom Cybersecurity team for review and acceptance.
14. The tenderer must comply with applicable privacy and protection of personal information Acts such as GDPR in European Union (EU) and POPIA in South Africa (SA) where the cloud service is hosted, and the region where the data subjects are physically located.
15. The tenderer must notify Eskom immediately or within 24 hours when any cyber security breach has occurred. Although the GDPR and the South African Cybercrimes Act 19 of 2020 states that the notification shall be sent within 72 hours, Eskom shall be notified sooner to allow Eskom to notify the information regulator and take necessary actions to minimize the impact on Eskom.
16. The tenderer must notify Eskom within one (1) month if there are any significant changes to the business, platform and hosting service provider or any change that could have an impact the security assessment conducted and the auditor's opinion on the SOC audit.
17. The database shall be placed within Eskom corporate LAN/BIN network (if hosted on premise) and partner private network (If hosted in the cloud) behind the perimeter firewall.

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18. Database security tool must be employed to provide regulatory compliance, encryption, key management, granular access controls, flexible data masking, comprehensive activity monitoring, and sophisticated auditing capabilities.
19. Distributed Denial of Service (DDoS) protection mechanism must be employed for all databases.
20. Web Application Firewall (WAF) for all internet facing applications and/or web-based applications shall be employed.
21. The Insurance Management System must support the prevailing enterprise services bus (ESB), application programmable interfaces (API's) and Integration Platform as a Service (iPaaS) platforms for security, logging and monitoring for both on-prem, hybrid-cloud and multi-cloud environments such as IBM App Connect, TIBCO Cloud Integration (including Business Works and Scribe), WSO2 Carbon, Software AG web Methods, Neuron ESB, Apache Camel, WebSphere Message Broker, RSSBus Connect, Azure Service Bus and Oracle Service Bus, Salesforce Mulesoft, IBM DataPower, Oracle API Platform, Cyclr, Dream Factory JDBC, Microsoft SQL Server Integration Services (SSIS), SAS Data Integration Studio, Integration Adaptor DirXML, Oracle X AI Services, SAP Business Process Automation, SAP NetWeaver, Oracle Fusion Middleware, Connect Direct, HP Data Protector, WINSCP, FreeFileSync, SAP PI/PO, SAP CPI, HP SOA Systinet, JCAPS, Cloud Pak for Data, K2, Microsoft Power Automate and Zapier but not limited to these listed.
22. The Insurance Management System must provide e-Discovery capability to identify, collect and produce electronically stored information (ESI) in response to a request for production in a lawsuit or investigation as part of the cloud services offered.

### **Licence Management for Maintenance and Support**

- Licensing will be required throughout the duration of the contract. 50 user licenses and 10 Group IT support staff is required. The solution components and versions are to be used across all Eskom environments (i.e. Development, Testing, Disaster Recovery and Production).
- The Insurance Management System shall be available 8 hours X 5 days during working hours, Monday to Friday.
- Provide 3 months support for system stabilisation post implementation.
- Provide 5 years support contract post implementation.

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### Training/Transfer of skills

Training strategy will be compiled for all stakeholders. Type of training required will be based on the impact on business processes and impact on human resources.

Twenty (20) working days once-off training (for the duration of the contract) to be provided, to least 50 system train-the-trainer, functional and Group IT technical users from Escap and Eskom and associated companies.

- Provide onsite, classroom-based and web-based training for end-users and system support staff on a pre-booked basis; and
- The recommended method of training delivery would be required during the implementation phase and, as per request in future.
- Mentor Eskom resources through the installation, configuration and deployment stages using a defined skills transfer program. Transfer of skills and Knowledge will be done for 10 (Ten) GIT Support Resources, who will be providing first level support.
  - Identified Information technology (IT) support staff to be trained on the solution, especially where integration is implemented with existing / other Eskom enterprise solutions.
  - Backend training for support staff and administrators
- Training material content is to be placed on Eskom Learner portal and needs to conform to the Eskom learning centre standards.
- Further training thereafter for new users and refresher, to be presented virtually by trained Eskom facilitators (train-the-trainer), and self-learning programs including downloadable training manuals through the Eskom Learning Academy environment.
- Training initiated for system developments and upgrades will be part of maintenance and support.

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### Safety

The Third-party will be working on site; therefore, the resources will be required to visit an Eskom site during the execution of the project and consultation with the Occupational Health and Safety Practitioner will be applicable, SHE requirements is mandatory.

### Service Level Agreement requirements

Eskom will provide 1st line support however, 2nd line, 3rd line, and 4th line support will be required from the service provider to Eskom which will entail an escalation process.

The solution is categorized as business-critical, necessitating business working days availability and support.

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**ANNEXURE A**

**AUTHORISATION FORM**

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

<b>A COMPANY</b>	<b>B CLOSE CORPORATION</b>	<b>C PARTNERSHIP</b>	<b>D JOINT VENTURE</b>	<b>E SOLE PROPRIETOR</b>

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation or joint venture, the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members’ resolution of a close corporation, or power of attorney in the case of a joint venture).

Note further that the authorised representative of the *tenderer* will in addition be required to sign the form at the end in addition to the relevant certificate for category of organisation.

**A. Certificate for company**

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

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

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**B. Certificate for close corporation**

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

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b> <b>(Member)</b>

**C. Certificate for partnership**

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

Name	Address	Signature	Date

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

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**D. Certificate for Joint Venture**

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

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

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

<b>Name of JV member</b>	<b>Address</b>	<b>Authorised signature, name and capacity</b>
Lead partner		

**E. Certificate for sole proprietor**

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

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b> <b>(Sole Proprietor)</b>

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**NOTE:** The table hereunder to also be fully completed by all *tenderers* irrespective of the category of organisation selected and completed above.

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Designation and capacity:</b>	
<b>Signature of authorised signatory</b>	
<b>Date of signature:</b>	

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**ANNEXURE B**

**ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons:

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

---



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

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Invitation to Tender/Request for Proposal No: \_\_\_\_\_

Name of Tenderer: \_\_\_\_\_

Country of registration: \_\_\_\_\_

Full names of contact person: \_\_\_\_\_

Contact details:

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## ANNEXURE C

### TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for individual companies and each JV member)	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each JV member) and combined cidb contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member in the case of a JV)	

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	

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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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status \_\_\_\_\_
6. If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

7. **If sub-contracting is prescribed in the enquiry, tenderers must complete 7.1 to 7.9.**

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7.1 Confirm if you intend sub-contracting

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

7.2 What percentage will you be sub-contracting? \_\_\_\_\_%

7.3 To whom do you intend sub-contracting? \_\_\_\_\_

7.4 Is the said sub-contractor registered on CSD?

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

7.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

7.6 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

7.7 Which designated group does the sub-contractor belong to:-

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

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

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

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

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

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<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## **ANNEXURE D**

### **INTEGRITY DECLARATION FORM**

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

#### **1 DECLARATION OF INTEREST**

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

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

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

#### **Related:**

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-
  - (i) are married, or live together in a relationship similar to a marriage; or
  - (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

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- (b) an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of control as set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
- (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
  - (ii) either is a subsidiary of the other; or
  - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

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

**Control:**

- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
- (a) in the case of a juristic person that is a company-
    - (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act<sup>1</sup>; or
    - (ii) that first person together with any related or inter-related person, is-
      - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or
      - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;
  - (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members’ interest, or controls directly, or has the right to control, the majority of members’ votes in the close corporation;

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

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

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

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. \_\_\_\_\_  
 [Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? \_\_\_\_\_(  
 [Yes/No]

If Yes, attach proof.

## 2 DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/directors/members/partners/owners listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector.  The Database of Restricted Suppliers can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)  The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/directors/members/partners/owners prohibited from doing business with any International Financial/Lending Institution or Development/Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners failing to meet their contractual obligation with the State or any State owned entity?		
1.5.1	If "Yes", provide details		

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### 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned \_\_\_\_\_ [*Full names and Position*] \_\_\_\_\_ hereby declare that I am the duly authorised representative of \_\_\_\_\_ [*Name of Tenderer*].

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

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage

#### Other Entities\*:

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

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

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

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

<b>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

**Joint Ventures**

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

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

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

<b>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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**ANNEXURE E**

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

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

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

**1. Application of CPA**

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

**2. Tender Submissions**

**Eskom Proposed CPA breakdown for Local Goods and Service**

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

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

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### **Eskom CPA Conditions/Requirements**

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

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

### **3. BASE DATE AND BASE PRICE**

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

### **4. CPA FOR PROFESSIONAL SERVICES**

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

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<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

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## ANNEXURE F

### CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

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

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

#### 1. Application of CPA

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

#### 2. Tender Submissions

#### Eskom Proposed CPA breakdown for Local Goods and Service

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

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

#### Eskom CPA Conditions/Requirements

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

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

### 3. BASE DATE AND BASE PRICE

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

### 4. CPA FOR PROFESSIONAL SERVICES

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

## PAYMENT OF FOREIGN COMMITMENTS

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

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

**Tenderers:-**

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

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

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

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

**Payment Method 1A:**

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

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

**Documentation to be submitted with payment:**

- Commercial invoice (from the foreign supplier)

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**Import payments**

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

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

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

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

**Service- related payments**

**Documents to submit with payment:**

- Commercial invoice (invoice from the overseas supplier)

**OR**

**Payment Method 1B:**

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

**Please note:**

- The contracting party must be the direct importer.
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice.
- The foreign currency values on both the commercial and local invoice must match. Eskom will not pay any profit in foreign currency. (Please note that the commercial invoice used in the clearance of the imported goods must be from the country of origin)
- If Payment Method 1B is the option selected for the payment for any imported goods/services, then the following documentation is to be submitted with your submission:
  - Copy of tenderers bankers’ initial application to the Reserve Bank requesting approval to invoice a local entity or Eskom, and for Eskom to pay the invoiced currency into the contracting party’s CFC account.
  - Copy of the response from the Reserve Bank regarding the initial application, on the Reserve Bank’s letterhead

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- Copy of the latest application to the Reserve Bank to renew the approval.
- Copy of the response from the Reserve Bank to the application to renew the approval to invoice Eskom in foreign currency.

**Documents to submit with payment:**

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

**Import payments**

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

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

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

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

**All documents submitted to Eskom should not have any alterations.**

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

**Service-related payments**

- Should a supplier select this option, they are required to provide proof that the South African Reserve Bank has given them approval to invoice Eskom in foreign currency for services related payments and to receive foreign currency proceeds into that CFC account. The proof would consist of:-
  - A copy of a letter from the supplier's bankers to the Reserve Bank requesting authority to receive services related payments to be made into a CFC account.
  - A copy of the official response from the Reserve Bank authorising payments to be made into the supplier's CFC account. The supplier's documents to the Reserve Bank must make specific reference to Eskom.
- This approval is only valid for a period of 1 year or as per SARB approval period.

**Documents to submit with payment:**

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

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

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

OR

**Payment Method 2:**

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

**Please note:**

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

**Documents to submit with payment:**

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

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

- Marine/ ocean bill of lading
- Airway bill / air transport document
- Road or rail consignment note
- Postal receipt

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- Certificate of posting
- Courier dispatch note or air waybill

**NB: Evidencing transport of the relative goods to the Republic**

- Local invoice or Tax invoice

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

**OR**

**Fixed ZAR Option (Payment Method 3)**

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

- Eskom and the successful tender will engage, on a simultaneous basis, with their respective bankers and compare the exchange rate/s obtained. This is done to ensure that any exchange rate/s used is/are market related.
- Tenderers will be required to match or better the exchange rate/s obtained by Eskom. If the tenderer's exchange rate/s is/are more expensive than the exchange rate/s indicated by Eskom, the exchange rate/s to convert the foreign values into ZAR will be the Eskom exchange rate/s.
- Once the exchange rate/s has/have been agreed by both parties, Eskom will not be liable for any further exchange rate adjustments.

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

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

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

**Documents to submit with payment:**

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

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**Import payments**

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

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

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

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

**Documents to submit with payment:**

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

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

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

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

**Take note of the following:**

**Service-related payment:**

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

1) **Secondment**

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

**Documents to be attached for payment:**

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

2) **Payroll Transfer**

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

**PART 2: EXCHANGE RATES**

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

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

<b>Date of advertisement of tender:</b>	
<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	

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<b>Date of signature:</b>	
---------------------------	--

## ANNEXURE G1

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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

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

**1. General Conditions**

- 1.1. Dtic makes provision for the promotion of local production and content.
- 1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where:

- x is the imported content in Rand
  - y is the bid price in Rand excluding value added tax (VAT)
- Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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

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

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

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

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\_\_\_\_\_ %

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](http://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.

**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. ....**

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**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 is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp).
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.
- 4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

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

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

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

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

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

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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



Adobe Acrobat Document

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**ANNEXURE H**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

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


<b>SUPPLIER INFORMATION</b>					
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:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1.</b>	<b>BID SUBMISSION:</b>
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE
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.
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.
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.
<b>2.</b>	<b>TAX COMPLIANCE REQUIREMENTS</b>
1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
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.
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.
4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>7.</b>	<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/></span> YES <input type="checkbox"/> NO
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/></span> YES <input type="checkbox"/> NO
<p><b>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.</b></p>	

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

**[ANNEXURE I](#)**

**SBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
- a) The applicable preference point system for this tender is the **90/10** preference point system.
  - b) The applicable preference point system for this tender is the **80/20** preference point system.
  - c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
  - (b) Specific Goals.

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**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
<b>PRICE</b>	90
<b>SPECIFIC GOALS</b>	10
<b>Total points for Price and SPECIFIC GOALS</b>	100

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

**2. DEFINITIONS**

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

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### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

- $P_s$  = Points scored for price of tender under consideration  
 $P_t$  = Price of tender under consideration  
 $P_{min}$  = Price of lowest acceptable tender

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

##### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- $P_s$  = Points scored for price of tender under consideration  
 $P_t$  = Price of tender under consideration  
 $P_{max}$  = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

**DECLARATION WITH REGARD TO COMPANY/FIRM**

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

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<p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p> <p><b>SURNAME AND NAME:</b> .....</p> <p><b>DATE:</b> .....</p> <p><b>ADDRESS:</b> .....</p> <p>.....</p> <p>.....</p> <p>.....</p>
---

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**ANNEXURE J**

**SBD 4**

**TENDERER'S DISCLOSURE**

**1.PURPOSE OF THE FORM**

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

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

**2.TENDERER'S DECLARATION**

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

**[YES/NO]**

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

<b>Full Name</b>	<b>Identity Number</b>	<b>Name of State Institution</b>

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

[YES/NO]

If so, furnish particulars:

.....  
.....

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

[YES/NO]

If so, furnish particulars:

.....  
.....

**3. DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 There have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate

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prices, market allocation, the intention or decision to submit or not to submit the tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

- 3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract .
- 3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, tenders that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and/or the tenderer maybe restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

Signature

Date

.....

Position

Name of bidder

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