

	Invitation to Tender	Document Identifier	240-114238630	Rev	16
		Effective Date	February 2023		
		Review Date	February 2028		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER

#### FOR

**SUPPLY AND DELIVERY OF X10CRMOVNB9- 1 AND 14MOV6-3 HIGH PRESSURE (HP) SEAMLESS PIPES FOR VARIOUS ESKOM'S COAL FIRED POWER STATIONS FOR A PERIOD OF TWO (2) YEARS.**

<b>Tender number</b>	<b>MWP2719GX</b>
<b>Issue date</b>	<b>28 August 2024</b>
<b>Closing date and time</b>	<b>3 October 2024</b>
<b>Tender validity period</b>	<b>Twenty-four (24) weeks after closing date and time</b>
<b>Non-Compulsory Clarification meeting</b>	<b>Monday 16 September 2024</b> <b>Time: 10H00 – 12H30</b> <b>Venue: Microsoft teams App</b> Link : <a href="#">Join the meeting now</a> Meeting ID: 310 976 587 876 Passcode: 4Bfdkf <b>Dial in by phone</b> <a href="#">+27 21 834 0825,,707313726#</a> South Africa, Cape Town <a href="#">Find a local number</a> Phone conference ID: 707 313 726#
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton

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## Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for: **Supply and Delivery of X10CrMoVNb9- 1 and 14MoV6-3 High Pressure (HP) Seamless Pipes for Various Eskom’s Coal Fired Power Stations for a period of two (2) years.**

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

1. Free of charge

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

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

Yours faithfully



Middle Manager Procurement

Duky Mchizama

Date: 28 August 2024

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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to <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 C	Y
1.1.4	*CPA Requirements for Local Goods/Services	Annexure D	Y
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).  Annexure C-Local Content Declaration- Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Y
1.1.7	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
1.1.8	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure H	Y
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Y
1.1.10	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		Y
1.1.11	Reverse e-auction training acknowledgement form		N/A
1.1.12	Reverse e-auction process	<a href="https://commercial.eskom.co.za/Pages/Default.aspx">https://commercial.eskom.co.za/Pages/Default.aspx</a>	N/A

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1.1.13	Contract Skills Development Goals (CSDG)		
1.1.14	Contract Participation Goals (CPG) [if applicable ]		

- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](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 Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is:  Name: Masabata Mphomane  Tel: 011 800 6209  E-mail: Mphomam@eskom.co.za</p>
1.3 Enquiry documents	The Invitation to tender No: <b>MWP2719GX</b>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender</p> <ul style="list-style-type: none"> <li>• An open Invitation to tender</li> </ul>
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>1. Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a tender if</p> <p>2. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</p>

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	<p>3. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</p> <p>4. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>5. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if :</p> <p>a) they have a controlling partner/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/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</p> <p>6. Tenders signed by non- authorized persons</p> <p>7. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>8. Any tenderer that is restricted by National Treasury</p> <p>9. Any tenderer on the Tender Defaulters list.</p> <p>10. A tenderer that sub-contracts 100% Scope of Work.</p> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for submission is: Date: 3 October 2024 Time: 10H00</p> <ul style="list-style-type: none"> <li>• <b>Late Tenders will not be accepted.</b></li> <li>• <b>Faxed and e-mailed tenders will not be considered for evaluation.</b></li> </ul> <p>Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p>The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill, Sandton</p> <p>The envelope / file /package should be marked as follows: Masabata Mphomane Enquiry No. <b>MWP2719GX</b></p>

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2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is 180 days (24 weeks) after closing date and time.
2.16 Non -compulsory Clarification meetings	<p>Non- compulsory Clarification meeting is scheduled as follows:</p> <p><b>Date: 16 September 2024</b>  <b>Time: 10H00 – 12H30</b>  <b>Venue: MS Teams</b></p> <p><b>Meeting link:</b></p> <p><b>Monday 16 September 2024</b>  <b>Time: 10H00 – 12H30</b>  <b>Venue: Microsoft teams App</b>  Link : <a href="#">Join the meeting now</a>  Meeting ID: 310 976 587 876  Passcode: 4Bfdkf  <b>Dial in by phone</b>  <a href="#">+27 21 834 0825,,707313726#</a> South Africa, Cape Town  <a href="#">Find a local number</a>  Phone conference ID: 707 313 726#</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position, time, and contact details of each proposed attendee.</p> <p>• <b>Kindly note that, all interested suppliers/ manufacturers are encouraged to attend the scheduled clarification meeting.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed.
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.

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	<p>Tenders will be opened on:  <b>Place: The Tender Office</b>  <b>Retail Centre</b>  <b>Megawatt Park</b>  <b>1 Maxwell Drive</b>  <b>Sunninghill, Sandton</b></p> <p><b>Date: 3 October 2024</b>  <b>Time: 10H00</b></p>
3.5 Prices to be read out	Prices will NOT be read out
3.9 Basic Compliance	<p>In order to qualify for further evaluation, tenders will be reviewed for compliance to all submission requirements:</p> <ul style="list-style-type: none"> <li>• Submit one copy of the original tender to Eskom: 1 original and 1 copy and/or memory stick (not mandatory)</li> <li>• Central Supplier Database (CSD) number (MAAA...)</li> <li>• Price list / BOQ completed in full from NEC document</li> <li>• Valid BBBEE certificate</li> <li>• Valid COID certificate</li> <li>• Tax clearance certificate</li> </ul> <p><b>NB:</b> Please note that it is mandatory for supplier to register on National Treasury's Central Supplier Database, for any suppliers intended doing work with any State department or State owned entity/company.</p> <p>Eskom requires all tenderers to comply with the Eskom's specifications. Tenderers who do not meet Eskom's specification will result in the tenderer not being evaluated further.</p>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.13 Functionality requirements	Functionality Evaluation will apply (Technical)
<p><b>Any supplier is permitted to participate on the enquiry, both agents and manufacturers. However, the information required in the technical evaluation must be from the <u>manufacturer</u> to be utilised (as per Eskom Technical evaluation Strategy 474-12728 Rev 2, HP Procurement Standard 240-87733094 Rev 3, and position paper 474-13249). The scope of work is entailed in 474-13270 P91 and 14MoV63 HP Pipes for Coal Fired Power Stations SOW (Rev 2). The referenced technical documents are provided under technical information folder in the tender bulletin.</b></p> <p><b>Information below provide a detailed explanation on technical strategy to be applied when evaluation tenderer/s compliance to technical requirements following this sequence:</b></p> <ul style="list-style-type: none"> <li>- <b>Mandatory</b></li> <li>- <b>Qualitative</b></li> <li>- <b>Factory Assessment;</b></li> </ul>	

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## 2.1 Mandatory Technical Evaluation Strategy for the HP Pipework Strategic stock material Rev 2: 474-12728.

	Mandatory Technical Criteria Description. (Ref: para 3.1.2 in Eskom Standard)	Motivation for use of criteria	Score Criteria	Score
1	<p>Verifiable valid certificate of conformity by a Third Party/Notified Body (in accordance with EN 764-5 (Clause 4) or AD 2000-Merkblatt W 0), that demonstrates that the material manufacturing plant has been audited and authorised as having a quality assurance system for material manufacture in accordance with PED 97/23/EC or 2014/68/EU (Pressure Equipment Directive), to produce the material grades and dimension ranges tendered for.</p> <p><b>The submitted (EN 764-5 or AD 2000-W 0) certificate of conformity shall ideally contain the following:</b></p> <ul style="list-style-type: none"> <li>• Scope of Approval appendices containing all material, size ranges and harmonised standards approved. Where CE marking is available, the EU declaration of conformity for each product type (material grades and dimensions) tendered for must be included.</li> </ul> <p><b>Where the detailed appendices are not part of the EN 764-5 certificate of conformity, the following shall be provided:</b></p> <ul style="list-style-type: none"> <li>• Ideally a Scope of Approval appendice in accordance with the requirements of AD 2000-W 0 should be supplied.</li> <li>• Should neither Scope of Approval (EN 764-5 or AD 2000-W 0) be available a comprehensive Previous History of Supply must be supplied. This must include a list of material manufactured at the plant, with particular reference to the materials and dimensions required as part of the tender. This should consist of a reference list with contact details of the end users, dates of</li> </ul>	To ensure that the manufacturing plant has been audited and complies with the relevant Pressure Equipment Directives for the manufacturing of the required material grades.	Yes / No	

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	delivery, material grade, dimensions, harmonised standards applied and tonnage. It is mandatory in all cases to provide the name, address and contact number of the Third Party/Notified Body that carried out the conformity assessment.			
2	Declaration of full compliance to Eskom Standard 240-87733094 Rev 3 on all finished products. Note: Deviations to the standard must be submitted as concessions and agreed on by both parties during tender negotiations.	Compliance to Eskom Standard	Yes / No	

## 1.2 Qualitative Evaluation Criteria – Desktop: Eskom Technical evaluation Strategy 474-12728 Rev 2.

	Criteria	Weight %	Sub Weight %	Score Criteria	Score
1	<b>Details of manufacturing plant / previous history of supply:</b> (Ref: para 3.1.3.1 & 3.1.3.2 in Eskom Standard)	20			
1.1	Details of Manufacturing Plant: Formal business name of the manufacturing plant, street and postal address, contact names and telephone numbers of senior plant managers, along with their organisational roles. The manufacturing plant is the site of manufacturing, inspection, testing, and release. If any activity is carried out at a different location or facility other than the main manufacturing plant, this shall be duly disclosed in the tender submission (clearly showing the scope/activities that will be done at a different plant location) and the same information shall be provided for the plant/site where other activities will be performed.		70	100% = 5 80% = 4 40% = 2 Non responsive = 0	
1.2	Previous History of Supply: A list of material manufactured at the plant, with		30	100% = 5 80% = 4	

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	Criteria	Weight %	Sub Weight %	Score Criteria	Score
<b>1</b>	<b>Details of manufacturing plant / previous history of supply: (Ref: para 3.1.3.1 &amp; 3.1.3.2 in Eskom Standard)</b>	<b>20</b>			
1.1	Details of Manufacturing Plant: Formal business name of the manufacturing plant, street and postal address, contact names and telephone numbers of senior plant managers, along with their organisational roles. The manufacturing plant is the site of manufacturing, inspection, testing, and release. If any activity is carried out at a different location or facility other than the main manufacturing plant, this shall be duly disclosed in the tender submission (clearly showing the scope/activities that will be done at a different plant location) and the same information shall be provided for the plant/site where other activities will be performed.		70	100% = 5 80% = 4 40% = 2 Non responsive = 0	
1.2	Previous History of Supply: A list of material manufactured at the plant, with		30	100% = 5 80% = 4	

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	particular regard to the materials required as part of the tender, shall be supplied. This should include a reference list with contact details of the end users, dates of delivery, material grade, dimensions, harmonised standards applied and tonnage.			40% = 2 Non-responsive = 0	
<b>2</b>	<b>Steel-making process (Ref: para 3.1.3.3 in Eskom Standard)</b>	<b>20</b>			
2.1	The foundries (if different from the material manufacturing plant) that will be used to supply cast billets for the manufacture of HP pipework and boiler tubing shall be listed in the tender returnable documents.		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
2.2	The manufacturer shall provide Eskom (also in tender returnables) with a short technical description of its process to ensure the production of "clean" steel within the limits of this Standard. Raw material and scrap control by foundries must demonstrate low contamination levels with trace impurities and dangerous (i.e. poisonous and radioactive) elements. Only fully killed steels will be acceptable.		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
2.3	Manufacturers shall also provide details of raw material suppliers along with relevant certification of the suppliers' quality management system/process, such as a valid or current ISO 9001 certificate or comprehensive quality manuals (where an ISO certificate is not available). This information shall be provided with the tender submission		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
<b>3</b>	<b>Heat Treatment (Ref: para 3.1.3.4 in Eskom Standard)</b>	<b>20</b>			
3.1	A valid or current calibration certificate(s) for the facilities used for the heat treatment shall be provided with the tender submission. The actual current calibration certificate for the Eskom order shall be furnished in the data books		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
3.2	Loading of piping and tubing in the furnace shall be carried out to avoid non-uniform heating and cooling which could result in non-uniform material properties. A furnace packing plan and short description of heat treatment measures that are or will be in place in		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	

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	order to achieve this shall be included with the tender submission. Detailed procedures must be available for review during site audits by Eskom				
3.3	Suppliers must provide a short description of the heat treatment facilities and procedures to demonstrate how heat treatment will be controlled within parameters/requirements as evidence in the form of the latest heat treatment survey of the facilities. All calibration certificates and procedures must be made available for review by Eskom (when site visits are planned).		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
3.4	The fully annotated heat treatment schedule for each material tendered for shall be supplied with the tender documents. The heat treatment schedule shall as a minimum contain methods of heating and cooling, heating and cooling rates, holding temperature ranges and holding times. These heat treatment schedule may be provided in the form of a schematic heat treatment dummy chart		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
<b>4</b>	<b>Chemical composition (Ref: para 3.1.3.5 in Eskom Standard)</b>	<b>15</b>			
4.1	Declaration of compliance with chemical composition as per 240-87733094 Rev 3		60	Declaration submitted = 5 Non-responsive = 0	
4.2	Declaration of compliance with the adherence to the control of delta ferrite and the formulas governing it as per 240-87733094 Rev 3		40	Declaration submitted = 5 Non-responsive = 0	
<b>5</b>	<b>Creep Data (Ref: para 3.1.3.7 in Eskom Standard)</b>	<b>15</b>			
5.1	In line with the provisions of Appendix B of EN 12952-2, the material manufacturer shall furnish to Eskom verification of the creep test results for materials intended for operation in the creep range ( $\geq 450^{\circ}\text{C}$ ). The creep tests results shall be based on tests conducted by the material manufacturer from heats of a given material produced from its own plant and procedures. The creep tests results shall be based on actual data for each material grade tendered for or quoted in tender returnable documents. The minimum test duration for the actual creep test		100	Creep data/ Declaration submitted = 5 Non-responsive = 0	

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	shall be 40 000 hrs. The material manufacturer shall provide this data with the tender submission or provide a written declaration that the data exists and will be made available to Eskom personnel during a factory or site assessment or at any stage (when arrangements are made and communicated) prior to contract award.				
6	<b>Certification</b> (Ref: para 3.1.3.8 in Eskom Standard 240-87733094)	10			
6.1	Declaration of compliance to the certification requirements as per Eskom Standard referenced above.		100	Declaration submitted = 5 Non-responsive = 0	
	<b>TOTAL</b>	<b>100</b>			

### 1.3 Factory Assessment – Qualitative Technical Evaluation Criteria

Note: This is a validation process of the tender submissions and requirements.

	Criteria	Weight %	Sub Weight %	Score Criteria	Score
1	<b>Details of manufacturing plant / previous history of supply:</b> (Ref: para 3.1.3.1 & 3.1.3.2 in Eskom Standard)	20			
1.1	Details of Manufacturing Plant: Formal business name of the manufacturing plant, street and postal address, contact names and telephone numbers of senior plant managers, along with their organisational roles. The manufacturing plant is the site of manufacturing, inspection, testing, and release. If any activity is carried out at a different location or facility other than the main manufacturing plant, this shall be duly disclosed in the tender submission (clearly showing the scope/activities that will be done at a different plant location) and the same information shall be provided for the plant/site where other activities will be performed.		70	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
1.2	Previous History of Supply: A list of material manufactured at the plant, with particular regard to the materials required as part of the tender, shall be supplied. This should include a reference list with contact details of the end users, dates of delivery, material		30	100% = 5 80% = 4 40% = 2 Non-responsive = 0	

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	grade, dimensions, harmonised standards applied and tonnage.				
2	<b>Steel-making process</b> (Ref: para 3.1.3.3 in Eskom Standard)	20			
2.1	The foundries (if different from the material manufacturing plant) that will be used to supply cast billets for the manufacture of HP pipework and boiler tubing shall be listed in the tender returnable documents.		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
2.2	The manufacturer shall provide Eskom (also in tender returnables) with a short technical description of its process to ensure the production of "clean" steel within the limits of this Standard. Raw material and scrap control by foundries must demonstrate low contamination levels with trace impurities and dangerous (i.e. poisonous and radioactive) elements. Only fully killed steels will be acceptable.		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
2.3	Manufacturers shall also provide details of raw material suppliers along with relevant certification of the suppliers' quality management system/process, such as a valid or current ISO9001 certificate or comprehensive quality manuals (where an ISO certificate is not available). This information shall be provided with the tender submission		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
3	<b>Heat Treatment</b> (Ref: para 3.1.3.4 in Eskom Standard)	20			
3.1	A valid or current calibration certificate(s) for the facilities used for the heat treatment shall be provided with the tender submission. The actual current calibration certificate for the Eskom order shall be furnished in the data books		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
3.2	Loading of piping and tubing in the furnace shall be carried out to avoid non-uniform heating and cooling which could result in non-uniform material properties. A furnace packing plan and short description of heat treatment measures that are or will be in place in order to achieve this shall be included with the tender submission. Detailed procedures must be available for review during site audits by Eskom		10	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
3.3	Suppliers must provide a short description of the heat treatment		10	100% = 5 80% = 4	

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	facilities and procedures to demonstrate how heat treatment will be controlled within parameters/requirements as evidence in the form of the latest heat treatment survey of the facilities. All calibration certificates and procedures must be made available for review by Eskom (when site visits are planned).			40% = 2 Non-responsive = 0	
3.4	The fully annotated heat treatment schedule for each material tendered for shall be supplied with the tender documents. The heat treatment schedule shall as a minimum contain methods of heating and cooling, heating and cooling rates, holding temperature ranges and holding times. These heat treatment schedule may be provided in the form of a schematic heat treatment dummy chart		40	100% = 5 80% = 4 40% = 2 Non-responsive = 0	
4	<b>Chemical composition</b> (Ref: para 3.1.3.5 in Eskom Standard)	15			
4.1	Declaration of compliance with chemical composition as per 240-87733094		60	Declaration submitted = 5 Non-responsive = 0	
4.2	Declaration of compliance with the adherence to the control of delta ferrite and the formulas governing it as per 240-87733094		40	Declaration submitted = 5 Non-responsive = 0	
5	<b>Creep Data</b> (Ref: para 3.1.3.7 in Eskom Standard)	15			
5.1	In line with the provisions of Appendix B of EN 12952-2, the material manufacturer shall furnish to Eskom verification of the creep test results for materials intended for operation in the creep range ( $\geq 450^{\circ}\text{C}$ ). The creep tests results shall be based on tests conducted by the material manufacturer from heats of a given material produced from its own plant and procedures. The creep tests results shall be based on actual data for each material grade tendered for or quoted in tender returnable documents. The minimum test duration for the actual creep test shall be 40 000 hrs. The material manufacturer shall make this data available to Eskom personnel during the factory or site assessment.		100	Creep data/ Declaration submitted = 5 Non-responsive = 0	
6	<b>Certification</b> (Ref: para 3.1.3.8 in Eskom Standard 240-87733094)240-87733094)	10			
6.1	Declaration of compliance to the certification requirements as per Eskom Standard referenced above. Certification shall be in accordance with the latest version of EN 10204.		100	Declaration submitted = 5 Non-responsive = 0	
	<b>TOTAL</b>	<b>100</b>			

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3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>1. Inclusive of VAT</li> <li>2. Making the specified correction for arithmetical errors</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule.</li> <li>4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>6. Unconditional discounts must be taken into account for evaluation purposes.</li> <li>7. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ol> <p><b>Price evaluation based on 90/10 principle.</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> 90% Price 10% BBEE </div> <p>Price and Preference Analysis</p> <ul style="list-style-type: none"> <li>• Calculate price – 90 points.</li> <li>• Apply preference points according to B-BBEE level contribution – 10 points:</li> <li>• Add price points and preference points.</li> <li>• Select tender with highest points (Price Points + Preference Points)</li> </ul>
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 points in accordance with PPPFA. If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 90 points for price and will score 0 points for Specific goals out of 10.</p> <p>Note:</p> <p><b>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</b></p>

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A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

NB: The following documents are required to claim preference points,

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but  
May only score point out of 90 for price  
Scores 0 points out of 10 for specific goals

### 3.18 Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-  
Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-  
1. 90/10 for tender with rand value above R50 million

Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.

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3.19 Objective Criteria (if applicable)	<p>Not applicable</p> <p>The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.</p>
3.20 Reverse e-auction	Reverse e-auction is not applicable
3.21 Contractual Requirements	<p>Contractual Requirements may include the following:</p> <p>Contractual Obligations:</p> <ol style="list-style-type: none"> <li>1. Financial analysis</li> <li>2. SHEQ <ul style="list-style-type: none"> <li>- safety</li> <li>- environmental</li> <li>- quality</li> </ul> </li> <li>3. Supplier Development Localisation &amp; Industrialization (SDL&amp;I)</li> <li>4. Shipping Requirements</li> </ol> <p>Refer to shipping form attached form under commercial folder</p> <p><b>Please Note:</b>  <b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</b>  <b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p>

#### **Step 4: Contractual obligations**

##### **4.1 Financial Analysis**

- An analysis of the tenderers latest valid financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be recommended for contract award.
- The outcome of a financial analysis of the supplier's financial statements is an objective criterion that must be conducted as a due diligence and risk mitigation step as a pre- requisite to contract award. This is required to determine if the supplier is financially stable enough to execute a contract/order of the magnitude to be awarded.
- To the extent that such risks are identified as part of the analysis of the financial statements, a risk mitigation strategy must be included as part of the recommendation. If the risks cannot be mitigated to ensure performance against the contract, the contract may have to be awarded to another supplier, which may not be the highest ranked.

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## **4.2 SHEQ Requirements:**

### **4.2.1 Safety Requirements:**

Occupational Health and safety falls under contractual requirements which means mean the suppliers will submit the tender returnable during the tender close-out. The evaluation will take place once the mandatory and Functionality evaluation have been completed. Only the shortlisted suppliers who passed mandatory and functionality evaluation threshold will be evaluated. The suppliers will be given an opportunity to submit the outstanding documents within 7 working days after the first evaluation. Failure to submit the outstanding documents within the stipulated time; may result in the tenderer being regarded as non-responsive and ineligible for contract award.

Annexure B - the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer

- o Health and Safety Plan for the scope of work
- o Costing for Health and Safety management to be limited to medical surveillance and PPE
- o Baseline Risk Assessment (BRA)
- o Valid Letter of Good Standing (COIDA or equivalent)
- o OHS policy signed by CEO/ MD- Comply with OHS Act Section 7
- o OHS Competency (Consider scope of work, risks, OHS plan and applicability) certificates:
  - Incident investigator (RCAT)
  - First Aid

**Annexure B – Acknowledgement form and other safety related tender returnables included in tender bulletin under folder “safety”**

### **4.2.2 Quality Requirements, returnables and evaluation scores:**

#### **Quality.**

For a list of tender returnables, Category 2 of Quality requirements will be applied.



240-105658000



240-12248652



Form A Tender and Supplier Quality MaCategory2- List of TeContract\_Supply and

**Quality returnables and requirements uploaded in tender bulleting under “quality” folder.**

### **Environmental requirements and returbles:**

- The contractor shall identify all environmental aspects related to the works and develop a comprehensive Environmental Management Plan (EMP) to mitigate all potential environmental risks.
- The Environmental Management Plan must be submitted to the employer for approval before the contract is signed with the successful tenderer.

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- Undertakes execution of scope in accordance with specifications and EMP requirements.
- The Contractor shall further identify and comply with all South African national and provincial environmental legislation as amended, including associated regulations and all local by-laws relevant to the project.

### Supplier Development, Localisation and Industrialisation (SDL&I).

#### Section 1: Specific Goals

A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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

NB: The following documents are required to claim preference points,

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown
- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

**Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but'**

- May only score point out of 90 for price
- Scores 0 points out of 10 for specific goals

#### Section 2: Objective criteria

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The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.

## **2.1 National Industrial Participation Programme**

Eskom will implement the NIPP requirement, which determines that the contractor/supplier must contact the Department of Trade, Industry and Competition (DTIC) to arrange for support and development of local businesses. Eskom is required to inform the tenderers of this requirement. NIPP will only be applicable for contracts with an FGN component or content of USD 5 million or more.

The following narrative must be captured in all tenders that have import/foreign content equal to or in excess of USD 5 million:

“NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilising the instrument of government procurement. The NIPP programme is mandatory for all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding USD 5 million.

“The programme targets South African and foreign industries, enterprises, and suppliers of goods and services to government/parastatals, where the imported content of such goods and services equals to or exceeds USD 5 million. The first customer of NIPP is the South African industry that benefits through the NIPP business plans, which, when implemented, generate new or additional business activities through one or more of the following: investment, export opportunities, job creation, increased local sales, SMME and BEE promotion, R&D, and technology transfer.

“Companies with an NIPP obligation must sign this obligation agreement with the Department of Trade, Industry and Competition (DTIC) before the contract with Eskom Holdings SOC Ltd, as a purchasing entity, is signed. The obligation agreement governs the relationship between the DTIC and the supplier. It defines the NIPP obligation value(s), requirements to fulfil the NIPP obligation, performance milestones, performance monitoring processes, and the NIPP credit allocation criteria.

“All tenders with an import content that is equal to or exceeds the threshold of USD 5 million compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the DTIC before signing the contract with Eskom.”.

## **2.2. Enterprise development as condition of award**

Based on the market search conducted, it is proven that they are small number of black owned companies that are struggling to penetrate Eskom market due to various reason as a result, Eskom SDL&I recommend applying supplier development on this transaction. The main service provider will be required to set aside 1% of the contract value through purchase order that is above R30 million to development struggling service providers to EME/QSE's with level 1 status. Preference will be given to local business as well as local resources. The following designated groups shall benefit:

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- an EME or QSE which is at 100% owned by black people who are Black.
- an EME or QSE which is at 100% owned by black people who are women/youth.
- an EME or QSE which is at least 51% owned by black people with disabilities.

#### **Tender returnable for Enterprise Development:**

- Letter of intent to provide Enterprise Development prior to contract award.
- Enterprise Development agreement signed by beneficiary/s company/s and main contractor 60 days after contract award.

#### **Potential scope to be developed:**

- ✓ Setting up system for clearing and forwarding
- ✓ Skills to successfully run clearing and forwarding.
- ✓ Financial support
- ✓ Mentoring and coaching

NB: The supplier will draw an implementation plan and submit to Eskom 30 days after contract award.

### **Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals**

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

#### **Transformation – BBBEE Improvement or Retention Plan**

Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.

Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.

Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.

Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract.

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## Transformation – BBBEE Improvement or Retention Plan

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Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.

Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3. Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher.

Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract.

Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract.

**NB:** A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit. If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit. If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate

### 1. Local Procurement Content

"Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price Schedule included with the tender documents. Local procurement content is total spending minus the imported component

Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

2. **Jobs if applicable.** Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.

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

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## 1. Skills development

Eskom reserves the right to negotiate with the tenderer on Eskom's requirements. The outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition.

Skills development is designed to benefit the currently unemployed graduates from school: further education and training campuses and universities.

The composition of these candidates must be representative of the population demographics of South Africa. Note that these targets for skills development candidates categorically exclude Eskom employees and registered learners.

This is how the skills development will be applied:

- ✓ Successful tenderer will be obligated to Skill **1** candidate for every **R15 Million** spend cumulatively through purchase orders/instructions awarded to the supplier; The supplier will be required to implement this requirement a month after the threshold is reached.
- ✓ This obligation will be for the duration of the contract however supplier needs to demonstrate positive progress on monthly basis.
- ✓ Candidates shall be sourced from previously disadvantage groups in South Africa, particularly at the site where the services will be taking place.

**Tenderers are required to propose against the following training initiatives:**

No	Skills Types	Total breakdown	Prerequisite	Outcome
1	Logistic officer	50%	National Diploma Logistic Management or equivalent	Minimum of 12 months Experiential training
2	Clearing and Forwarding officer	50%	National Diploma Logistic Management or Equivalent	Minimum of 12 months Experiential training

## Section 4: SDL&I Penalty and Performance Security

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

**One of the following options will apply for SDL&I performance security:**

- Suppliers will be required to report progress towards achieving SDL&I's contractual obligations on a quarterly basis regardless of the duration of the task order.
- As security Eskom will apply 2.5% retention on future invoices (excluding VAT) after all cumulative task orders awarded to a service provider who reached a stipulated threshold of R7 million and failed to comply with fulfilment of the SDL&I obligations

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- For every SDL&I commitment met in terms of the contract, the supplier shall apply for the release of the retention in the next payment certificate after the application and once the Eskom's Contract Manager and the SDL&I compliance and monitoring team are satisfied that the obligations have been met.

## Section 5: Reporting and Monitoring

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments.

### 2.25 Contractual Condition

The conditions of contract will be the NEC3 Supply Contract (SC)

Applicable Clauses:

#### Main Clauses

W1: Dispute Resolution Procedure

#### Secondary Clauses

X1: Price adjustment for inflation

X2: Changes in the Law

X3: Multiple currencies

X4: Parent company guarantee.

X7: Delay damages

X12: Partnering

X13: Performance Bond

X17: Low Performance Bond

X18: Limitation of liability

Z: Additional conditions of contract.

In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.

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CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are not applicable
---	--------------------------------------

**Please note:**

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

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

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

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

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

**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**

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### 1.3 TENDER RETURNABLES

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

#### NOTE:

**\* Returnable required at Tender closing (disqualifiable) - These returnable 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 tender must be disqualified.**

**\*\* Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also 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, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)**

**# These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner, however the tenderer will not be disqualified but 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>	One (1) hard copy of the tender	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)	✓		
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	✓		

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<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E		✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
<b># Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
<b>Annexure I</b>	SBD 4 – Bidders Disclosure		✓	
Reverse e-auction training 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.		✓	
	# proof of compliance to the stipulated Specific goals.			
	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>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects ). 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 still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number ) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) .			✓

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	Foreign suppliers with no footprint in South Africa, must still 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 date of submission of tenders if this is agreed with the Employer		✓	
<b>NEC/FIDIC Documentation</b>	Completed NEC/FIDIC pricing schedule and contract data.	✓		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)</b>		✓		
	<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</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 stated documents under safety folder		✓	
<b>Quality</b>	Documents that may be required per scope of work		✓	
<b>Environmental</b>	Documents that may be required as per scope of work		✓	
<b>Due Diligence</b>	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers			✓

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	must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.			
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
Technical (required functionality scoring) for	As stated in the technical requirements and returnables	✓		

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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


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

---



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

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

Name of company/JV: \_\_\_\_\_

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

Name of contact person: \_\_\_\_\_

Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

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

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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
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 Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant 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 Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting

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

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

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

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

- a) 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).

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

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

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

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

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### 1. Single tenderers

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

### 2. Joint Ventures

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

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

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

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

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

#### **DECLARATION OF INTEREST**

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

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

#### **1.a juristic person is “related” to another juristic person if:-**

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ;
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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### 3. DECLARATION OF SHAREHOLDING INFORMATION

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage

#### Other Entities\*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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### **Joint Ventures**

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

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

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

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

<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

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

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## **ANNEXURE D**

### **CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

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

*This Section will not be applicable to professional services contract*

#### **1. APPLICATION OF CPA**

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

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

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

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

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

##### **b. Additional/Alternative offer:**

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

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

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

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

### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

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

### 3. NUMBER OF FORMULAE & INDICES

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

### 4. CPA FIXED PORTION

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

### 5. BASE DATE

1. 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*
2. In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:  
*The average for the month before the month in which the Enquiry closes*
1. In this case, the following shall apply:
  1. Where the average is published:  
*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*
  2. Where a high, low and mean are published:  
*The mean*
  3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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*The Cash Settlement or Cash Sellers Price*

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

### 3. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed	Date
Name	Position
Tenderer	

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

Labour	Commodities	Processed material	Transport	Others	
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)	
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material			
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b>		StasSA, PO142.1), <b>PPI</b> 4. Final Manufacture d Goods	
	<b>Zinc</b> SEIFSA, F, zinc				

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allowance is paid	<b>Lead</b> SEIFSA ,F, lead	SEIFSA, G, building and construction material		Or 5. Intermediate Manufacture d Goods OR 6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
-------------------	--------------------------------	---	--	--

**Table 2: Preferred Foreign Index List**

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

Closing date of tender \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

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## **ANNEXURE E**

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

#### **CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION**

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

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

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

#### **PART 1: PAYMENT OF FOREIGN COMMITMENTS**

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

##### **Payment Method 1A:**

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

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

##### **Payment Method 1B;**

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

Please note:

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

**Applicable(Y/N) or**

##### **Payment Method 2:**

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

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the supplier.

Please note:

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

**Applicable (Y/N).....**

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

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

Fixed ZAR pricing

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

**Applicable (Y/N).....**

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

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

## **PART 2: EXCHANGE RATES**

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

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

## **PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC**

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

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

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

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

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

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

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

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

##### **1. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)**

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

##### **2. EXPATRIATE LABOUR METHOD**

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

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

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

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

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

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

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

Closing date of tender \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

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## **ANNEXURE F1**

SBD 6.2

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

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed 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.**

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

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

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

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

(Tick applicable box)

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

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):

<b>Currency</b>	<b>Rates of exchange</b>
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 DTIC must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard.

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

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

**IN RESPECT OF BID NO. ....**

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

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content 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
------------------------------	---

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

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

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

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

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

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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

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

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



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



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



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## ANNEXURE G

## SBD 1

### PART A INVITATION TO BID

<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 ]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
<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>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.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
3.	<b>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.</b>
4.	<b>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.</b>
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>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>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"/> YES <input type="checkbox"/> NO</span>
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"/> YES <input type="checkbox"/> NO</span>
<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>	

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

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## ANNEXURE H

## SBD 6.1

### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 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. The following preference point systems are applicable to invitations to tender:
1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);

#### 1. To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

1. The applicable preference point system for this tender is the 80/20 preference point system.
2. 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. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
    1. Price; and
    2. Specific Goals.

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**1. To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

2. 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.
3. 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.

**3. DEFINITIONS**

1. **“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;
2. **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
3. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
4. **“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
5. **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

**6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

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## 1. POINTS AWARDED FOR PRICE

### 3.1.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

**90/10**

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

Where

P<sub>s</sub> = Points scored for price of tender under consideration

P<sub>t</sub> = Price of tender under consideration

P<sub>min</sub> = Price of lowest acceptable tender

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

### 1. POINTS AWARDED FOR PRICE

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

**90/10**

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

Where

P<sub>s</sub> = Points scored for price of tender under consideration

P<sub>t</sub> = Price of tender under consideration

P<sub>max</sub> = Price of highest acceptable tender

## 7. POINTS AWARDED FOR SPECIFIC GOALS

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

3.

**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)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system)	Number of points claimed (80/20 system)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

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## DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number: .....
3. 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. 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:
  1. The information furnished is true and correct;
  2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  3. 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;
  4. 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 –
    1. disqualify the person from the tendering process;
    2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
    3. 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;
    4. 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

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5. forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

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## Annexure I

## SBD 4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....  
.....

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

1. If so, furnish particulars:

.....  
.....

### 3. DECLARATION

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

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

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

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

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

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during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

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