	<b>Invitation to Tender KZN169</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	21
		<b>Effective Date</b>	21 November 2024		
		<b>Review Date</b>	November 2029		

## ESKOM HOLDINGS SOC LTD

### INVITATION TO TENDER (ITT)

#### FOR

The establishment of an enabling agreement for a panel of 25 service providers to cater for the provision of vegetation management and bush clearing on an “as and when” required basis, for a period of thirty – six (36) months in the KZN Operating Unit, Central East Cluster.


<b>Tender number</b>	<b>KZN169</b>
<b>Issue date</b>	<b>10 December 2024</b>
<b>Closing date and time</b>	<b>14 February 2025 at 10h00</b>
<b>Tender validity period</b>	<b>Eight (8) months from the closing date and time</b>
<b>Clarification meeting</b>	<p><b><u>DATE: 23 January 2025</u></b> <b><u>TIME: 10h00 AM.</u></b></p> <p>Refer to 2.15 for detailed information with regards to the MS Teams Clarification Meeting Join on your computer, mobile app or room device.</p> <p><b>Microsoft Teams</b> <a href="#">Need help?</a></p> <p><a href="#">Join the meeting now</a></p> <p>Meeting ID: 378 646 747 932</p> <p>Passcode: S8JAjW</p> <p><b>Dial in by phone</b> <a href="#">+27 21 834 0825,479044673#</a> South Africa, Cape Town</p> <p><a href="#">Find a local number</a></p> <p>Phone conference ID: 479 044 673#</p> <p>For organizers: <a href="#">Meeting options</a>   <a href="#">Reset dial-in PIN</a></p>

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<b>Tenders are to be delivered to the following address by the stipulated closing date and time</b>	<b>THE TENDER OFFICE Eskom Commercial Services 25 Valley View Road New Germany 3620</b>
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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for :

**The establishment of an enabling agreement for a panel of 25 service providers to cater for the provision of vegetation management and bush clearing on an “as and when” required basis, for a period of thirty – six (36) months in the KZN Operating Unit, Central East Cluster.**

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

1. Free of charge

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

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

Yours faithfully



Procurement Manager KZN Operating Unit

Thandi Xaba


Date: 10 December 2024

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### 1.1 Annexures to the Tender

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

Number	Description	Annexures	Attached (Y/N/ N/A)
1.1.1	*Authorisation form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form	Annexure D	Y
1.1.5	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure E	Y
1.1.6	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure F	Y
1.1.7	*SBD 4 – Bidders Disclosure	Annexure G	Y
1.1.8	Technical criteria	Annexure H	Y
1.1.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Refer to the commercial folder located on the Eskom Tender Bulletin.	Y
1.1.10	Scope of Work	Refer to the commercial folder located on the Eskom Tender Bulletin	Y
1.1.17	NEC3 Term Services Contract	Refer to the commercial folder located on the Eskom Tender Bulletin	Y

### 1.2. Tender Data

The Tender Data makes several references to the Eskom Standard Conditions of Tender and in those instances, the clause numbers are referenced hereunder.


The “*Tender Data*” as detailed herein shall take precedence over the Standard Conditions of Tender in the event of any ambiguity or inconsistency between the two documents.

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Clause Number from Standard Conditions of Tender	Tender Data																					
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is: Name: Anita Rickhoff Tel: 031 710 5436 E-mail: anita.rickhoff@eskom.co.za</p>																					
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>KZN169</b> See the content list above for the enquiry documents.</p> <table><tr><th>Section</th><th>Original</th><th>Copy</th></tr><tr><td>Section 1- will comprise of the commercial and financial requirements</td><td>✓</td><td>✓</td></tr><tr><td>Section 2- will comprise of the SDL &amp; I requirements</td><td>✓</td><td>✓</td></tr><tr><td>Section 3- will comprise of the Technical requirements</td><td>✓</td><td>✓</td></tr><tr><td>Section 4- will comprise of the Safety requirements</td><td>✓</td><td>✓</td></tr><tr><td>Section 5- will comprise of the Quality requirements</td><td>✓</td><td>✓</td></tr><tr><td>Section 6- will comprise of the Environmental requirements</td><td>✓</td><td>✓</td></tr></table> <p><b>The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.</b></p>	Section	Original	Copy	Section 1- will comprise of the commercial and financial requirements	✓	✓	Section 2- will comprise of the SDL & I requirements	✓	✓	Section 3- will comprise of the Technical requirements	✓	✓	Section 4- will comprise of the Safety requirements	✓	✓	Section 5- will comprise of the Quality requirements	✓	✓	Section 6- will comprise of the Environmental requirements	✓	✓
Section	Original	Copy																				
Section 1- will comprise of the commercial and financial requirements	✓	✓																				
Section 2- will comprise of the SDL & I requirements	✓	✓																				
Section 3- will comprise of the Technical requirements	✓	✓																				
Section 4- will comprise of the Safety requirements	✓	✓																				
Section 5- will comprise of the Quality requirements	✓	✓																				
Section 6- will comprise of the Environmental requirements	✓	✓																				
1.4 Type of enquiry	<p>This enquiry is: <b>1.</b> An open invitation to tender .</p>																					
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>																					
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p>																					

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	<p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.</li> <li>3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is: <ol style="list-style-type: none"> <li>(a) they have a controlling partner or majority shareholder in common; or</li> <li>(b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</li> </ol> </li> <li>5. Tenders signed by non- authorised persons.</li> <li>6. Any tenderer that is restricted by National Treasury.</li> <li>7. Any tenderer on the Tender Defaulters list.</li> <li>8. A tenderer that sub-contracts 100% of the Scope of Work.</li> </ol> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:  <b><u>Date: 14 February 2025</u></b>  <b><u>Time 10H00 AM</u></b></p> <p><b>Late Tenders will not be accepted.</b>  Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:  <b>THE TENDER OFFICE</b>  <b>Eskom Commercial Services</b>  <b>25 Valley View Road</b>  <b>New Germany</b>  <b>3620</b></p>

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2.9 Submitting a tender -Original tender and copy	<b>The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.</b>
2.12 Tender Validity Period	The tender validity period is eight (8) months.
2.15 Site visit and/or clarification meeting	<p>A <u>non-compulsory</u> clarification meeting with representatives of Eskom will take place as follows:  <b>Date: 23 January 2025</b>  <b>Time: 10H00 AM</b></p> <p>A non-compulsory "Online Meeting" will take place on Microsoft Teams, whereby a Presentation will be made in order to assist all service providers in complying with Eskom's tender requirements. Although this will not be a Compulsory Meeting, Suppliers are encouraged to attend this MS Team Meeting to ensure that all Contracting Companies clearly understand the Technical and Contractual Requirements and are able to submit a responsive tender.</p> <p>The Technical Requirements will be discussed at the MS Teams Meeting, however, should the service providers request a Technical Representative to take them to a site (as there are various), arrangements will be made for a Technical Representative to conduct the site visit.</p> <p>Tenderers can also submit clarification questions via email to <a href="mailto:anita.rickhoff@eskom.co.za">anita.rickhoff@eskom.co.za</a>.</p> <p>The deadline for the submission of Clarification Questions is five (5) days prior to tender closing.</p> <p>All Clarification Questions with Answers will be published on Eskom's Tender Bulletin and the National Treasury e-Tender Publication Portal.</p> <p>Tenderers can access the MS Teams meeting on the following link:  Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p> <p><b>Microsoft Teams</b> <a href="#">Need help?</a></p> <p><b><a href="#">Join the meeting now</a></b></p> <p>Meeting ID: 378 646 747 932</p> <p>Passcode: S8JAJW</p>

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	<b>Dial in by phone</b> <a href="tel:+27218340825479044673">+27 21 834 0825,479044673#</a> South Africa, Cape Town  <a href="#">Find a local number</a>  Phone conference ID: 479 044 673#  For organizers: <a href="#">Meeting options</a>   <a href="#">Reset dial-in PIN</a>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission. The onus is upon the tenderers to continuously check both the Eskom's Tender Bulletin and the National Treasury e-Tender Publication Portal for information pertaining to clarifications.
2.22 Alternative tenders	Alternative tenders are not allowed.
2.32 Cataloguing	Cataloguing is not applicable
2.33 Provision of Security for Performance	The following forms of security are required for this enquiry:  If the provision of security for performance in the form of a performance bond or a demand guarantee is a requirement, the tenderer must select a minimum of two (2) financial institutions that it is likely to approach from the list provided of Eskom-approved financial institutions.  <ol style="list-style-type: none"> <li>1. ABSA Bank Limited</li> <li>2. Development Bank of South Africa</li> <li>3. First Rand Bank Limited</li> <li>4. Investec Bank Limited</li> <li>5. Land &amp; Agricultural Development Bank of South Africa</li> <li>6. Nedbank Limited</li> <li>7. Standard Bank of South Africa</li> </ol>
3.4 Tender Opening	There will be no public opening
3.5 Prices to be read out or not	Prices <b>will not be read out.</b>
3.9 Basic Compliance	Basic compliance with this enquiry requires a tenderer to meet all the following requirements:  <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria;</li> <li>2. The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.</li> </ol>


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3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines stipulated in the Tender Returnable section will be deemed non-responsive.</p> <p><b><u>Evaluation Process</u></b></p> <p><b>Step 1: Basic/Compliance/Commercial Evaluation</b>  <b>Step 2: Functionality</b>  <b>Step 3: Approval of Mandate to negotiate.</b>  <b>Step 4: Price and Preference Scoring</b>  <b>Step 5: Drawing of lots (if applicable)</b>  <b>Step 6: Contractual Requirements</b></p> <p><b><u>Step 1: Basic Compliance/Commercial Evaluation</u></b></p> <p><b><u>Commercial Mandatory Returnable (Disqualifiable)</u></b></p> <p>These returnables are required to be submitted with the tender at Tender closing date and time. If not submitted by tender closing the tender must be disqualified.</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer.</li> <li>• Submit one (1) original plus one (1) complete hard copy of the original tender to Eskom failure to submit will result in disqualification of the tender.</li> </ul> <p><b><u>Commercial Mandatory Returnable Required prior to contract award (non-Disqualifiable)</u></b></p> <p>The requested returnable (s) are required to be received by the Procurement Practitioner upon request by contract award; failure to provide the document will deem the tender non-responsive.</p> <ul style="list-style-type: none"> <li>• CSD Registration – Companies are required to provide a valid CSD (MAAA.....) number.</li> </ul> <p><b><u>Commercial Mandatory Returnable (Non - Disqualifiable)</u></b></p> <p>These returnables are also required to be fully completed, signed and submitted with Tender at Tender closing date and time,</p>
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	<p>however, if not submitted by Tender closing, the Procurement Practitioners will request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender will be disqualified.</p> <ul style="list-style-type: none"> <li>Fully complete and sign the SBD1 Invitation to bid form in the invitation to tender.</li> <li>Fully complete and sign the SBD 6.1 preference claim form in the invitation to tender.</li> <li>Fully complete and sign the SBD 4 Bidders Disclosure form in the invitation to tender.</li> <li>Annexure C – Integrity Declaration form.</li> <li>Acceptance of the terms and conditions of the enquiry (i.e., return of the NEC 3 TSC offer and acceptance as well as deviations)</li> </ul>
3.12 Functionality requirements	<p><b><u>Step 2 Functionality</u></b></p> <p><b><u>Technical Mandatory Returnable (Disqualifiable)</u></b></p> <p>The technical returnables are required to be submitted with the tender at Tender closing date and time. Please refer to Annexure A attached.</p> <p><b>Table 1:</b> stipulates the Mandatory Criteria and required returnable to be included in the tender submission. Failure to provide the stipulated evidence will result in the submission being disqualified and the evaluation will not proceed further. Mandatory requirements are listed on table 1 below. There will be no scoring linked to these requirements. A “Yes” or “No” result will be allocated. It is required that the tender submission achieve “Yes” allocation for all mandatory requirements listed on the table below in order to proceed to the next part of the evaluation. If a “No” is allocated to one or more criteria, then the submission will be considered non-responsive and will be disqualified.</p> <p>The Functional Criteria and required returnable are stated in <b>Table 2</b></p> <p>The returnable will be assessed, and scores will be allocated accordingly. Negative marking will apply. Final scores shall be stated in percentage terms.</p> <p>The threshold for these criteria is set at 90%. Submissions failing to meet the stipulated threshold will be deemed non-compliant; the submission will be disqualified and not evaluated further.</p>

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3.14 Evaluation of Price	<p><b><u>Step 3 Approval of Mandate to negotiate.</u></b></p> <p>After the functionality evaluation is completed, a mandate to negotiate will be prepared, in order for the CFT to propose rates to all the technically acceptable service providers.</p> <p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>1. Inclusive of VAT.</li> <li>2. Corrected for arithmetical errors.</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule'</li> <li>4. Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and</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 will be taken into account for evaluation purposes.</li> <li>7. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is affected.</li> </ol> <p>Prices will be scored out of <b>80</b> points.</p>
3.16 Evaluation of Specific Goals	<p><b><u>Step 4 Price and Preference</u></b></p> <p>Price points will be calculated out of 80 for price. A maximum of 20 points will be allocated to the B-BBEE level contribution. The points scored for Price must be added to the points scored for B-BBEE status to obtain each tenderer's total points scored out of 100.</p> <p><b><u>Price Points:</u></b></p> <p>A mandate to negotiate will be prepared and submitted to the DAA for approval to propose standard rates to all tenderers for acceptance, who meet the functionality threshold. Should the service providers have comments/concerns they will have an opportunity at this points to raise their concerns.</p>

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The quantity surveyors will then take any comments from the service providers into consideration when reviewing the rates for possible negotiation. If the comments are found to not impact the rates or the CFT disagrees with the comment/concern, then the rates as proposed will remain for acceptance by the service providers .

All the service providers that accept Eskom's final proposed rates will receive 80 points for price and all service providers that reject Eskom's Final Proposed Rates will receive zero for price.

**Preference:**

A maximum of 20 points will be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal will 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 (80/20 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

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

**Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:**

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner or member** must be indicated in order to know that person is duly

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authorised to depose of an affidavit. **(Mark the applicable option).**

- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)**

Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

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

- **Valid** BBBEE certificate issued by a SANAS accredited verification agency **or** a **valid** sworn affidavit **or** a **valid** BBBEE Certificate issued by CIPC for EME companies **or** for joint ventures a **valid** BBBEE certificate issued by a SANAS accredited verification agency in the **name of the joint venture**

**NB: Supporting documents may be requested during evaluation (This list is not exhaustive):**

- Proof of ownership / shareholding (CIPC registration documentation) inclusive of shareholding breakdown
- ID copies of shareholder(s) or owner(s) of the business
- Proof of Disability of owner(s) of the business (where applicable)

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

- May only score point out of 80 for price.
- Scores 0 points out of 20 for specific goals.

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	<p><b><u>Step 5 drawing of lots:</u></b></p> <p>If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.</p> <p><b>Criteria for breaking deadlock in scoring</b></p> <p>(1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.</p> <p>(2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots</p>
3.17 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring for the <b>80/20</b> system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest
Contractual Requirements	<p><u>Mandatory Contractual Requirements that <b>must</b> be included in all tenders is the following:-</u></p> <ul style="list-style-type: none"> <li>• Proof of CSD registration</li> </ul> <p><u>Additional Contractual Requirements :</u>  <b><u>Step 6 Contractual Requirements</u></b></p> <p>The 25 recommended service providers still in the running for this contract will be evaluated in terms of their contractual requirements. Should they not pass the initial evaluation, they will be advised of their shortcomings and have seven <b>(7) working days</b> in which to correct their shortcomings.</p> <p>Failure to correct the shortcomings within the stipulated time will result in the contractor being deemed unacceptable in terms of their contractual requirements and will not be considered.</p>

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### **SAFETY REQUIREMENTS**

**High Risk:**

<b><u>Ref.</u></b>	<b><u>OHS Tender Returnable</u></b>
1	<b>Annexure B</b> Is the acknowledgement of <b>Eskom's OHS</b> legal and other requirements form signed and submitted by the tenderer?
2	<b>OH &amp;S Organogram (<i>Approved by CEO/Director</i>) including names, appointment reference and review date.</b>
3	<b>Health and Safety Plan</b> (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)
4	<b>Costing for Health and Safety management</b>

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		<p>Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum).</p> <p>The costing must be based on the overall scope of work/service to be performed.</p> <p>The scope of work and the risk assessment may serve as a guideline.</p>
	5	<p><b>Baseline OHS Risk Assessment (BRA)-(To include Driving and next review date) (Approved by CEO/Director)</b></p> <p>Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA</p>
	6	<p><b>Valid Letter of Good Standing</b> (COIDA or equivalent)- COID, RMA,FEMA (Nature of Business to be applicable)</p>
	7	<p>The letter of good standing must state the relevant services rendered by the company in line with Scope Of Work applicable for this tender.</p>
	8	<p><b>OHS policy signed by CEO</b></p> <p>The submitted policy must comply to OHS Act Section 7.</p> <p>Management commitment statement regarding Safety, Health, Environment &amp; Quality as protection of their employees and public members etc.</p> <p><b>To be signed off by the Owner/CEO or MD.</b></p>
	9	<p><b>OHS Competency</b></p> <p>(Consider scope of work, risks, OHS plan and applicability) CV,s and qualifications / certificates (List competencies required). Proof of the following training certificate and appointment letter for each of the following. <b>NB: Accreditation certificate from training provider for each competency.</b> Sec. 17; Health &amp; Safety Representative GSR 3(4); First Aid Certificate</p>


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	CR 29(h&i); Fire Fighter CR 9(1); Risk Assessor CR 8(5); Safety Officer (SACPCMP) Working At Heights-(FAS) 229995 CR 10(1); Fall Protection Planner/Developer Fall Rescuer (Competency Certificate)- 229998 GAR 9(2); Incident Investigator
10	<b>Medical Fitness Certificate (Including Annexure 3 format) done by Occupational Health Practitioner/Nurse/ Doctor</b>
11	<b>Fall Protection Plan as per CR10 (with Rescue Plan &amp; Fall Risk)</b> Next review date and Rescue Plan to be included. To be signed off by CEO and Fall Protection Planner/Developer
12	<b>Substance Abuse Procedure-All contractors shall comply with Eskom's procedure 32-37</b>

**ENVIRONMENTAL REQUIREMENTS**  
**HIGH RISK**


<u>Ref.</u>	<u>KPIs</u>
1	Pre-requisite  Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?

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	2	<p>Environmental Management Plan for the Scope of work addressing the following as a minimum:</p> <p>Applicable to high risk:</p> <p>Waste management (reduction, re-use, recycling, disposal).  Environmental induction.  Environmental incident management.  Emergency planning for environmental incidents.  Environmental management structure within the Company: Professional Registration of environmental resources(s), responsibility and accountability.</p>	
		<p>Method statements related to activities that have significant environmental impacts (methodology and approach) illustrating how environmental impacts and risks are managed.</p> <p>Approach to ensuring compliance with environmental compliance obligations.  Environmental competency, training, appointments. o (Appointment as an environmental officer/ environmental/SHE rep where the duties listed correlate with environmental management.)  o Provide at least one valid PCO certificate and appointment letter for herbicide application.  Environmental Communication and awareness</p>	
	3	<p>High Risk Only: Costing for Environmental Management:</p> <p>Has the tenderer submitted detailed (the cost should be broken down not provided as a lump sum) costing for environmental management related to the overall scope of work/service to be performed.</p>	

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	4	Medium and High Risk Only: Identification of Environmental Aspects and Impacts:  Identification, assessment and control of activities that have or may have an impact on the environment. The methodology used must be provided together with the identified activities (if applicable) that have been identified, based on the scope of work, that have an impact on the environment and the controls that will be in place in contract execution.
	5	All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD:  Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.
	6	High Risk Only: Environmental Competency (Consider scope of work, risks, Environmental Management Plan and applicability) CV's and qualifications / certificates e.g. <ul style="list-style-type: none"><li>- Environmental Officer</li></ul>
		<ul style="list-style-type: none"><li>- Environmental Control Officer</li><li>- Incident investigator(s)</li><li>-<ul style="list-style-type: none"><li>• Eskom internal training.</li><li>• SHE REP.</li><li>• SAMTRAC CERTIFICATE.</li><li>• PCO CERTIFICATE</li></ul></li></ul>
	<u>Score:</u>  <b>0</b> = Document not submitted OR submitted but does not satisfy the minimum requirements  <b>1</b> = Document submitted and the content satisfy the minimum requirements  <div>OR</div>	
<u>Ref</u>	<u>KPIs</u>	

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	1	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?
	2	ISO 14001 Environmental Management Standard certificate.
		TOTAL

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### **QUALITY:**

#### **Category 4**

	<b>Supplier Quality Management:</b>	Unique Identifier	240-12248652
	<b>List of Tender Returnables Documents</b>	Revision	7
		Effective Date	2022/01/26
		Specification	240-105658000
<b>Category 4 : Quality Requirements</b>		<b>Deliverables to be evaluated indicator = 1</b>	
<b>SECTION A : Quality Management System Requirements ISO 9001</b>			
<b>(Option 1) Valid certification of Quality Management System by an ISO accredited body</b>			
			<b>Apply =1</b>
A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant			0
A.2 Certificate by Approved and Authorized certification authority			0
A.3 Certification Authority has Recognized International Accreditation			0
A.4 Validity (expiry date) of certificate			0
<b>Section A Score Option 1</b>			<b>0</b>
<b>SECTION A : Quality Management System Requirements ISO 9001</b>			
<b>Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>			
			<b>Apply =1</b>
A.1 Quality Method statement based on scope.(Method Statement Template-Ref 240-126469599)			1
A.2 Quality Policy Approved by top management.			1
A.3 Quality Objectives Approved by top management.			1
<b>Section A Score Option 2</b>			<b>3</b>
<b>SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</b>			
			<b>Apply =1</b>
B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)			1
B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)			1
<b>Section B Score</b>			<b>2</b>
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000)</b>			
<b>Customer specific requirements &amp; other standards and required can be listed and evaluated here</b>			
			<b>Apply (Yes=1)</b>
E.1 Form A is completed and signed.			1
E.2 Pest Control Officer(PCO) certificate			1
<b>Section E Score</b>			<b>2</b>

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### **FINANCIAL REQUIREMENTS**

Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:

1. Whether the AFS were internally or externally prepared.
  2. Whether the company was owner managed or not owner managed. The PIS does **NOT** apply to companies that have been **AUDITED**.
- Latest approved financial statements including comparative amounts.

- AFS must be valid and not outdated, received within 18 months after year-end.
- A signed director's / member's report.

- Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above.

Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.

Approved Annual Financial statements must comprise:

- o Statement of financial position ( Balance Sheet )
- o Statement of comprehensive income ( income statement )
- o Statement of changes in Equity
- o Statement of cash flows
- o Notes to the financial statements
- o ITA 34C Income Tax Assessment for companies that have **NOT** been **AUDITED**. The **ITA-34C assessments must be provided for the current and previous financial years. The turnover amount shown in the income statement must correspond to the amount shown in the ITA-34C. Should the amounts not correspond, a financial analysis will not be performed.**

- The notes to the AFS specifically referring to **Accounts Receivable** and **Accounts Payable** must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.

- The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.

- Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.

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- Name of Holding company if the company is a subsidiary company.
- Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.
- Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.

**Note:**

Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted.  
Soft copies of the AFS submitted with the tender documents may be requested at a later stage.

The following mitigating factors may be implemented if the financial viability result for any of the tendering companies is unfavourable:

- *obtaining a performance bond from a financial institution that has been pre-approved by Eskom Treasury department.*
- *a parent Company Guarantee, provided that the parent company is financially sound enough to stand as surety for the subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis.*
- *a reduced contract may be recommended,*
- *or payment upon delivery of a milestone activity or milestone goods.*

**It is to be noted that for financial queries, the turnaround time for contractors to respond is 5 days.**

**SD & L:**

**Skills Targets:**

Skill type / Occupation	Eskom target	Proposed Number of Candidates
Chain Saw Operators	2	
Brush Cutter Course	2	
Herbicide Applicators	2	

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	Fire Fighting Course	2		
	Tree Identification Course	2		
3.22 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the NEC Term Services Contract.			
2.28 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 market-related.**

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

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

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

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


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## 1.2 TENDER RETURNABLES

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

### NOTE THE FOLLOWING: -

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

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

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

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

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


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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	<b>The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.</b>	√		
<b>Annexure A</b>	Authorisation Form		√	
<b>Annexure B</b>	Acknowledgement Form		√	
<b>Annexure C</b>	Tenderers Particulars		√	
<b>Annexure D</b>	Integrity Pact Declaration form		√	
<b>Annexure E</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		√	
<b># Annexure F</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		√	
<b>Annexure G</b>	SBD 4 – Bidders/Tenderers Disclosure		√	
<b>Annexure H</b>	Technical criteria	√		
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		√	
<b># Specific Goals</b>	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The			√

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		<b>Effective Date</b>	21 November 2024		
		<b>Review Date</b>	November 2029		

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	tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.			√
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			√
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			√
<b>NEC3 Term Service Contract</b>	NEC3 Term Services Contract.	√		
<b>Pricing schedule</b>	The BOQ is attached for information only and is not to be priced at tender stage.  <b>After the functionality evaluation is completed, a mandate to negotiate will be prepared, in order for the CFT to propose rates to all the technically acceptable service providers.</b>			√

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	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Mandatory Contractual Requirement</b>	<b>Proof of valid and current CSD Registration (CSD number/CSD Report)</b>			v
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)			v


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Quality			Supplier Quality Management: List of Tender Returnables Documents	Unique Identifier Revision Effective Date Specification	240-12248652 7 2022/01/26 240-105658000			✓				
	Category 4 : Quality Requirements		Deliverables to be evaluated indicator = 1									
	SECTION A : Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body											
					Apply=1							
	A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant				0							
	A.2 Certificate by Approved and Authorized certification authority				0							
	A.3 Certification Authority has Recognized International Accreditation				0							
	A.4 Validity (expiry date) of certificate				0							
	Section A Score Option 1				0							
	SECTION A : Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001											
					Apply=1							
	A.1 Quality Method statement based on scope.(Method Statement Template-Ref 240-126469599)				1							
	A.2 Quality Policy Approved by top management.				1							
	A.3 Quality Objectives Approved by top management.				1							
	Section A Score Option 2				3							
	SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)											
					Apply=1							
	B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)				1							
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)				1							
	Section B Score				2							
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000) Customer specific requirements & other standards and required can be listed and evaluated here											
					Apply (Yes=1)							
	E.1 Form A is completed and signed.				1							
	E.2 Pest Control Officer(PCO) certificate				1							
	Section E Score				2							
	Other safety/quality documents as required per scope of works	Ref.	OHS Tender Returnable									✓
		1	Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?									

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	2	<b>OH &amp;S Organogram (Approved by CEO/Director) including names, appointment reference and review date.</b>			
	3	<b>Health and Safety Plan</b> (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)			
	4	<b>Costing for Health and Safety management</b>			
		<p>Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum).</p> <ul style="list-style-type: none"> <li>The costing must be based on the overall scope of work/service to be performed.</li> <li>The scope of work and the risk assessment may serve as a guideline.</li> </ul>			
	5	<b>Baseline OHS Risk Assessment (BRA)-(To include Driving and next review date) (Approved by CEO/Director)</b>  Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA			

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	6	<b>Valid Letter of Good Standing</b> (COIDA or equivalent)- COID, RMA,FEMA (Nature of Business to be applicable)			
		The letter of good standing must state the relevant services rendered by the company in line with Scope Of Work applicable for this tender.			
	7	<b>OHS policy signed by CEO</b> The submitted policy must comply to OHS Act Section 7. Management commitment statement regarding Safety, Health, Environment & Quality as protection of their employees and public members etc. <b>To be signed off by the Owner/CEO or MD.</b>			
	8	<b>OHS Competency</b> (Consider scope of work, risks, OHS plan and applicability) CV,s and qualifications / certificates (List competencies required). Proof of the following training certificate and appointment letter for each of the following. <b>NB: Accreditation certificate from training provider for each competency.</b> Sec. 17; Health & Safety Representative GSR 3(4); First Aid Certificate			

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			CR 29(h&i); Fire Fighter CR 9(1); Risk Assessor CR 8(5); Safety Officer (SACPCMP) Working At Heights-(FAS) 229995 CR 10(1); Fall Protection Planner/Developer Fall Rescuer (Competency Certificate)- 229998 GAR 9(2); Incident Investigator			
	9		<b>Medical Fitness Certificate (Including Annexure 3 format) done by Occupational Health Practitioner/Nurse/ Doctor</b>			
	10		<b>Fall Protection Plan as per CR10 (with Rescue Plan &amp; Fall Risk)</b> Next review date and Rescue Plan to be included. To be signed off by CEO and Fall Protection Planner/Developer			
	11		<b>Substance Abuse Procedure-All contractors shall comply with Eskom's procedure 32-37</b>			
<b>Environmental</b>	<u>Ref.</u>	<u>KPIs</u>				v

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	1	<b>Pre-requisite</b>  Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?			
	2	<b>Environmental Management Plan for the Scope of work addressing the following as a minimum:</b>  <b>Applicable to high risk:</b> <ul style="list-style-type: none"> <li>Waste management (reduction, re-use, recycling, disposal).</li> <li>Environmental induction.</li> <li>Environmental incident management.</li> <li>Emergency planning for environmental incidents.</li> <li>Environmental management structure within the Company: Professional Registration of environmental resources(s), responsibility and accountability.</li> </ul>			

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		<ul style="list-style-type: none"> <li>Method statements related to activities that have significant environmental impacts (methodology and approach) illustrating how environmental impacts and risks are managed.</li> <li>Approach to ensuring compliance with environmental compliance obligations.</li> <li>Environmental competency, training, appointments. o (Appointment as an environmental officer/ environmental/SHE rep where the duties listed correlate with environmental management.)</li> <li>o Provide at least one valid PCO certificate and appointment letter for herbicide application.</li> <li>Environmental Communication and awareness</li> </ul>			
	3	<p>High Risk Only: Costing for Environmental Management:</p> <p>Has the tenderer submitted detailed (the cost should be broken down not provided as a lump sum) costing for environmental management related to the overall scope of work/service to be performed.</p>			

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	4	<p>Medium and High Risk Only: Identification of Environmental Aspects and Impacts:</p> <p>Identification, assessment and control of activities that have or may have an impact on the environment. The methodology used must be provided together with the identified activities (if applicable) that have been identified, based on the scope of work, that have an impact on the environment and the controls that will be in place in contract execution.</p>			
	5	<p>All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD:</p> <p>Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.</p>			
	6	<p>High Risk Only: Environmental Competency (Consider scope of work, risks, Environmental Management Plan and applicability) CV's and qualifications / certificates e.g.</p> <p>- Environmental Officer</p>			

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	<table><tr><td></td><td><ul style="list-style-type: none"><li>- Environmental Control Officer</li><li>- Incident investigator(s)</li><li>-</li><li>• Eskom internal training.</li><li>• SHE REP.</li><li>• SAMTRAC CERTIFICATE.</li><li>• PCO CERTIFICATE</li></ul></td></tr></table> <p><u>Score:</u></p> <p><b>2</b> = Document not submitted OR submitted but does not satisfy the minimum requirements</p> <p><b>3</b> = Document submitted and the content satisfy the minimum requirements</p> <p>OR</p> <table><tr><th><u>Ref</u></th><th><u>KPIs</u></th></tr><tr><td>1</td><td>Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?</td></tr><tr><td>2</td><td>ISO 14001 Environmental Management Standard certificate.</td></tr><tr><td></td><td>TOTAL</td></tr></table>		<ul style="list-style-type: none"><li>- Environmental Control Officer</li><li>- Incident investigator(s)</li><li>-</li><li>• Eskom internal training.</li><li>• SHE REP.</li><li>• SAMTRAC CERTIFICATE.</li><li>• PCO CERTIFICATE</li></ul>	<u>Ref</u>	<u>KPIs</u>	1	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?	2	ISO 14001 Environmental Management Standard certificate.		TOTAL			
	<ul style="list-style-type: none"><li>- Environmental Control Officer</li><li>- Incident investigator(s)</li><li>-</li><li>• Eskom internal training.</li><li>• SHE REP.</li><li>• SAMTRAC CERTIFICATE.</li><li>• PCO CERTIFICATE</li></ul>													
<u>Ref</u>	<u>KPIs</u>													
1	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?													
2	ISO 14001 Environmental Management Standard certificate.													
	TOTAL													
Financial analysis	Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:				v									

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	<p>1. Whether the AFS were internally or externally prepared.</p> <p>2. Whether the company was owner managed or not owner managed.</p> <p>The PIS does <b>NOT</b> apply to companies that have been <b>AUDITED</b>.</p> <ul style="list-style-type: none"> <li>• Latest approved financial statements including comparative amounts.</li> </ul> <p>AFS must be valid and not outdated, received within 18 months after year-end.</p> <ul style="list-style-type: none"> <li>• A signed director's / member's report.</li> </ul> <ul style="list-style-type: none"> <li>• Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above.</li> </ul> <p>Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.</p> <ul style="list-style-type: none"> <li>• Approved Annual Financial statements must comprise: <ul style="list-style-type: none"> <li>o Statement of financial position ( Balance Sheet )</li> <li>o Statement of comprehensive income ( income statement )</li> <li>o Statement of changes in Equity</li> <li>o Statement of cash flows</li> <li>o Notes to the financial statements</li> <li>o ITA 34C Income Tax Assessment for companies that have <b>NOT</b> been <b>AUDITED</b>. The <b>ITA-34C assessments must be provided for the current and previous financial years. The turnover amount shown in the income statement must correspond to the amount shown in the ITA-34C. Should the</b></li> </ul> </li> </ul>			

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	<p><b>amounts not correspond, a financial analysis will not be performed.</b></p> <ul style="list-style-type: none"> <li>• The notes to the AFS specifically referring to <b>Accounts Receivable</b> and <b>Accounts Payable</b> must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.</li> <li>• The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.</li> <li>• Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.</li> <li>• Name of Holding company if the company is a subsidiary company.</li> <li>• Where there is a Holding company the Latest Signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.</li> <li>• Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed. Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.</li> </ul>			

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	<b>Note:</b> Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted. Soft copies of the AFS submitted with the tender documents may be requested at a later stage			
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
Functionality/Technical	<b><u>Technical Mandatory Returnable (Disqualifiable)</u></b>  The technical returnables are required to be submitted with the tender at Tender closing date and time. Please refer to Annexure A attached.  <b>Table 1:</b> stipulates the Mandatory Criteria and required returnable to be included in the tender submission. Failure to provide the stipulated evidence will result in the submission being disqualified and the evaluation will not proceed further. Mandatory requirements are listed on table 1 below. There will be no scoring linked to these requirements. A “Yes” or “No” result will be allocated. It is required that the tender submission achieve “Yes” allocation for all mandatory requirements listed on the table below in order to proceed to the next part of the evaluation. If a “No” is allocated to one or more criteria, then the submission will be considered non-responsive and will be disqualified.  The Functional Criteria and required returnable are stated in <b>Table 2</b> :  The returnable will be assessed, and scores will be allocated accordingly. Negative marking will apply. Final scores shall be stated in percentage terms.	v		

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	The threshold for these criteria is set at 90%. Submissions failing to meet the stipulated threshold will be deemed non-compliant; the submission will be disqualified and not evaluated further.			

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## **ANNEXURE A**

### **AUTHORISATION FORM**

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

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

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

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

#### **A. Certificate for company**

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


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

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### B. Certificate for close corporation

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

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

### C. Certificate for partnership

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

Name	Address	Signature	Date

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

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#### D. Certificate for Joint Venture

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

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

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

Name of JV member	Address	Authorised signature, name and capacity
Lead partner		

#### E. Certificate for sole proprietor

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


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

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

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

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## **ANNEXURE B**

### **ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons: ☐

---



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### **Cataloguing Acknowledgement:**

**Please select the relevant statement by ticking the appropriate box below:**

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

---



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

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

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

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

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

Contact details:

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

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

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## **ANNEXURE C**

### **TENDERER'S PARTICULARS**

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

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

**Please complete the following:**

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

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

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

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Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

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

YES		NO	

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


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7.1 Confirm if you intend sub-contracting

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

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

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

7.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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

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

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

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

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

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

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## **ANNEXURE D**

### **INTEGRITY DECLARATION FORM**

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

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

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

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

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

#### **Related:**

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


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

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

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

#### **Control:**

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

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

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

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 an employee/consultant/ contractor and/or director of a State/State owned entity.	Full Names & Capacity/Position of Eskom employee/ consultant/contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the specification/ evaluation/ adjudication/ negotiation of tenders?

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

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

If Yes, attach proof.

## 2 DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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### 3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage

#### Other Entities\*:

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

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

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

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

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

### Joint Ventures

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

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

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

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

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## **ANNEXURE E**

**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>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON		CONTACT PERSON			
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS		E-MAIL 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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]

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*tp*

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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

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

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


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

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## PART B TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

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

DATE:

.....

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## ANNEXURE F

## **SBD 6.1**

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

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

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

#### **1. GENERAL CONDITIONS**

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

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

1.2 **To be completed by the organ of state**

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

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

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

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

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

The maximum points for this tender are allocated as follows:

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

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

## 2. DEFINITIONS

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

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

#### 3.1. POINTS AWARDED FOR PRICE

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

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

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

80/20                      or                      90/10

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

##### 3.2.1. POINTS AWARDED FOR PRICE

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

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

80/20                      or                      90/10

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

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


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#### DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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


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

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.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

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## **ANNEXURE G**

## **SBD 4**

### **TENDERER'S DISCLOSURE**

#### **1. PURPOSE OF THE FORM**

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

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

#### **2. TENDERER'S DECLARATION**

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

**[YES/NO]**

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

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

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

[YES/NO]

If so, furnish particulars:

.....  
.....

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

[YES/NO]

If so, furnish particulars:

.....  
.....

3. DECLARATION

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

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

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

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

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

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

.....

Signature

Date

.....

Name of bidder: \_\_\_\_\_

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