

	Invitation to Tender LP00191HR	Document Identifier	240-114238630	Rev	21
		Effective Date	21 November 2024		
		Review Date	November 2029		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER (ITT) / REQUEST FOR PROPOSAL (RFP)

FOR

The supply and delivery of various Fall Arrest Systems, Rescue Kits and accessories to the Limlanga Cluster, on an “as and when required” basis, for a period of 5 years


Tender number	LP00191HR		
Issue date	10 December 2024		
Closing date and time	07 FEBRUARY 2025 at 10h00		
Tender validity period	180 calendar days from the closing date and time		
Clarification meeting	<p>Date: 15 January 2025 Time: 10:00</p> <p>Method: Please use the link below to join the meeting on Microsoft Teams</p> <p>Join the meeting now</p>		
Tenders are to be delivered to the following address by the stipulated closing date and time	Eskom Holding SOC Ltd The Tender Office Millennium Building 90 Hans van Rensburg Street Polokwane Limpopo Province		
• Kindly indicate the area you wish to submit your tender for, with a tick ✓ next to the applicable area	LIMPOPO AREA	TICK HERE	
	MPUMALANGA AREA	TICK HERE	
Tendering Company Name			
Eskom Vendor Number (if applicable)			
CSD Number			

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All costs incurred in the preparation, presentation / demonstration, and submission of your tender response will be for the Tenderer's account

Tenderers are encouraged to continuously check the Eskom Tender Bulletin and the National Treasury Tender Website for the latest tender updates during this clarification period. This will enable tenderers to familiarise themselves with any new developments to tender accurately

Tender documentation can be downloaded from the following websites:


1. <http://tenderbulletin.eskom.co.za/>
2. www.etenders.gov.za

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Invitation to Tender

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

The supply and delivery of various Fall Arrest Systems, Rescue Kits and accessories to the Limlanga Cluster, on an “as and when required” basis, for a period of 5 years

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

- Free of charge

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

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

Madimetja Phalane

Limlanga Cluster


Date: 10/12/2024

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SUBMITTING OF TENDER DOCUMENTS

ALL TENDER DOCUMENTS MUST BE CLEARLY MARKED WITH THE TENDER NAME AND NUMBER WHEN SUBMITTED


- **All documents must be bonded securely and clearly marked as follows.**
 - **Tender Number**
 - **Tender Title**
 - **Tender Closing Date and Time**
 - **Supplier Name**
- **No Tippex/Correction pen is to be used on any page or pages of the documents to be submitted. Failure to comply with this, will render the tender commercially unacceptable**
- **Rubber bands are not binders and not to be used to hold papers or documents**
- **No loose pages or documents are allowed. Where loose papers or documents are submitted, Eskom will not be held responsible for lost pages or documents**
- **The submission must be indexed for ease of locating mandatory documents**
- **Contractual requirements may be submitted as a separate bonded document, clearly marked as Contractual Requirements, no loose pages**

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The contracting approach:


- Eskom Limlanga Cluster requires the services of one or two suppliers for the supply and delivery of ***Fall Arrest Systems, Rescue Kits, and accessories to the Limlanga Cluster, on an “as and when required” basis, for a period of 5 years.***
- Evaluations to be done as follows;
 - Basic Compliance
 - Commercial
 - Mandatory Technical
 - Functionality (Technical) Desktop
 - Functionality (samples and supplier premises)
 - Price and Specific Goals
 - Objective Criteria (local content)
 - Contractual Requirements (Quality)
- All compliant tenders will continue to the next evaluation stage, as per the list above
- Contract/s will be awarded to the highest ranked supplier/s per total of basket of items, per area, based on PPR2022 ranking unless the objective / contractual criteria justify the award to another tenderer.
- Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process

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Please note:

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

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

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

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

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

1.1 TENDER RETURNABLES

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

NOTE THE FOLLOWING: -

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

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

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

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

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
*Basic Compliance	Original tender plus one copy, both in paper form	√		
*Annexure A (page 22 – 25)	Authorization Form – completed and signed	√		
**Annexure B (page 26 – 27)	Acknowledgement Form - completed and signed		√	
**Annexure C (page 28 – 31)	Tenderers Particulars - completed and signed		√	
**Annexure D (page 32 – 38)	Integrity Pact Declaration form - completed and signed		√	
*Annexure E (page 39 – 41)	CPA for local goods/services	√		
Annexure F (page 42 – 46)	SBD 6.2 -Declaration certificate for local production and content			√
**Annexure G (page 47 – 49)	SBD 1- completed and submitted by all tenderers.		√	
# Annexure H (page 50 – 54)	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations – completed and signed			

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**Annexure I (page 55 – 57)	SBD 4 – Bidders Disclosure – completed and signed		√	
Annexure J (Attached separately)	Local Content Annexure C (Excel Document) - completed and signed			√
*Annexure K (Attached separately)	NEC3 Supply Short Contract , pricing schedule and contract data mandatory to complete and submit	√		
**Annexure L (Attached separately)	Non-Disclosure Agreement (NDA) – completed and signed		√	
Additional Documents required in event of JV:-	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.			√
# Specific Goals	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			
Tax Clearance Certificates	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.			√
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			√

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DOCUMENTS REQUIRED UNDER FUNCTIONALITY / TECHNICAL CRITERIA				
Technical / Functionality Requirement Documents (Attached separately)	Technical / Functionality Requirements Refer to the documents listed below and attached separately, to prepare the mandatory technical and functionality tender returnables. <ul style="list-style-type: none"> Annexure M - 240-100979499 - Personal Protective Equipment for Work at Height Specification Annexure N - LC SI -241 - Technical Evaluation Criteria for the Supply and Delivery of Various Types of Personal Protective Equipment for Work at Height All Technical Schedule Documents 			
DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS				
Although the Contractual requirements are not mandatory with tender closing date, it is advisable to submit ALL requirements and documents with the tender by the tender closing date and time				
CSD Registration	Proof of valid, current CSD Registration (National Treasury Central Supplier Database) (CSD number /CSD Report) A contract may not be awarded to a Tenderer that is not registered on CSD or who have a non-compliant tax status			
Supplier Quality Requirements (Attached separately)	Submit all Supplier Quality Requirements as specified in the documents listed below and attached separately. <ul style="list-style-type: none"> Annexure O - 240-105658000 Supplier Quality Management Specification Annexure P - 240-126469599 Method Statement template Rev 2 Annexure Q - 20040927 - FAS, Rescue Kits and accessories - Form A – Tender Contract Quality Requirements Annexure R - 20240927 - Supply and delivery of FAS, Rescue Kits and accessories - List of Tender Returnable Documents 			

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1.2. Tender Data

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Heida Rickett Tel: 015-299 0475 E-mail: Rickethm@eskom.co.za</p>
1.3 Enquiry documents	The Invitation to tender number is: LP00191HR
1.4 Type of enquiry	This enquiry is an open invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract. Kindly ensure to submit prices for <u>all items</u> .
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><u>Tenderers are ineligible to submit a tender if:</u></p> <ul style="list-style-type: none"> • 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. • Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.

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	<ul style="list-style-type: none"> 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. 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: <ul style="list-style-type: none"> (a) they have a controlling partner or majority shareholder in common; or (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process; <p>5. Tenders signed by non- authorized persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work.</p> <p>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</p>
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is:</p> <p>Date: 07 FEBRUARY 2025 Time: 10:00am</p> <p>Late Tenders will not be accepted.</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE ESKOM HOLDING SOC LTD LIMLANGA CLUSTER- LIMPOPO MILLENNIUM BUILDING 90 HANS VAN RENSBURG STREET POLOKWANE</p> <p>MARKED: CONFIDENTIAL TENDER NO: LP00191HR</p>

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2.9 Submitting a tender - Original tender and copy	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.
2.12 Tender Validity Period	The tender validity period is 180 days from tender closing
2.15 Clarification meeting	<p>A <i>non-compulsory clarification meeting</i> with representatives of Eskom will take place as follows:</p> <p>Date: 15 January 2025 Time: 10:00 am Venue: Microsoft Teams</p> <p>Method: Please use the link below to join the meeting on Microsoft Teams</p> <p><u>Join the meeting now</u></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is 05 working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are not allowed.
2.32 Cataloguing	The successful tenderer may be required to provide the cataloguing information per item after contract award and will need to ensure that all materials delivered to Eskom are labelled in line with Eskom's labelling specifications as may be stipulated by Eskom.
2.33 Provision of Security for Performance	Not applicable
3.4 Tender Opening	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on:</p> <p>Place: Polokwane Tender Office Date: 07 February 2025 Time: 10:00AM</p>
3.5 Prices to be read out or not	Prices will not be read out.

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TENDER REQUIREMENTS AND EVALUATIONS

3.9 Basic Compliance	<p><u>EVALUATION STEP 1 – BASIC COMPLIANCE</u></p> <p>Basic compliance with this enquiry requires a tenderer to meet all the following requirements:</p> <ul style="list-style-type: none"> • Submit a complete original tender with commercial, financial and technical information • The tenderer must submit the tender as a complete original tender in paper form, plus one (1) complete paper copy of the original tender at the 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. • Meet the eligibility criteria for a tenderer (as per page 10 and 11 of this document)
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><u>EVALUATION STEP 2 – MANDATORY REQUIREMENTS</u></p> <p><u>MANDATORY COMMERCIAL</u></p> <p>The following are the Commercial <u>mandatory</u> returnable to be submitted at tender closing:</p> <p>Returnable required at Tender closing (<u>Disqualifiable</u>)</p> <ul style="list-style-type: none"> • Completed NEC 3 Supply Short Contract pricing schedule and contract data • CPA for local goods and services • Submit completed and signed Declaration of Authority Form <ul style="list-style-type: none"> - A tenderer must declare that the information provided in its tender is true and correct and that the signatory to the tender is duly authorized to sign all documents related to the Enquiry and any ensuing contract.

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	<p><u>Returnable required at Tender closing – (Non-disqualifiable, may be requested after tender closing)</u></p> <ul style="list-style-type: none"> • Integrity Pact Declaration form – completed and signed • SBD 4 – Bidders Disclosure – completed and signed • SBD 1 – invitation to bid – completed and signed • SBD 6.2 - Declaration of local content – completed and signed • Local Content Annexure C spreadsheet – completed and signed • Non-Disclosure Agreement (NDA) - completed and signed • JV agreement or intent to form a Letter of intent to form a JV/consortium, where responding to this tender as a JV (if applicable) <p>The following returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner; however, the tenderer will not be disqualified but score zero.</p> <ul style="list-style-type: none"> • SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations • Proof of compliance to the stipulated Specific goals (B-BBEE / Affidavit)
3.12 Functionality requirements (Technical)	<p><u>EVALUATION STEP 3 – Stage 1</u></p> <p><u>MANDATORY TECHNICAL REQUIREMENTS</u></p> <p>Please refer to the following documents for the mandatory technical requirements listed in the table below;</p> <ul style="list-style-type: none"> • Annexure M - 240-100979499 - Personal Protective Equipment for Work at Height Specification • Annexure N - LC SI -241 - Technical Evaluation Criteria for the Supply and Delivery of Various Types of Personal Protective Equipment for Work at Height • All Technical Schedule documents

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The technical mandatory requirements are:

No.	Criteria	Evidence Required	Evidence Notes
1	Personal Protective Equipment for Work at Height Technical Schedules	Complete and sign <u>all</u> Technical Schedules per sap number	Supplier must complete and sign all technical schedules. (Use the Eskom attached templates
2	FAS Kit	Submit a memory stick with samples of all the Fall Arrest Systems, Rescue Kits, Safety Helmet and Telescopic Stick Kit, as proof that the items do conform and comply to Eskom standards and requirements.	Supplier should submit a memory stick with samples of all the Fall Arrest Systems, Rescue Kits, Safety Helmet and Telescopic Stick Kit as proof that their FAS do conform and comply to Eskom standards and requirements.
3	Personal Protective Equipment for Work at Height Standards	Submit a written, signed and dated concession letter affirming compliance with Eskom Personal Protective Equipment for Work at Height standards and affirm that Personal Protective Equipment for Work at Height will be from the same manufacturer for the duration of the contract.	Suppliers must submit a written, signed and dated concession letter affirming compliance with Eskom Personal Protective Equipment for Work at Height standards and affirm that Personal Protective Equipment for Work at Height will be from the same manufacturer for the duration of the contract. (Use the Eskom attached templates


All tenders that fully comply with the above, will be evaluated further for compliance to the non-negotiable functionality threshold.

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Step 3 – Stage 2

FUNCTIONALITY (TECHNICAL EVALUATION)

Please refer to the following documents for the detailed Functionality requirements as listed in the table below;

- **Annexure M - 240-100979499 - Personal Protective Equipment for Work at Height Specification**
- **Annexure N - LC SI -241 - Technical Evaluation Criteria for the Supply and Delivery of Various Types of Personal Protective Equipment for Work at Height**
- **All Technical Schedule documents**

The tenderer needs to obtain a minimum threshold score of **eighty percent (80%)** to proceed to the next evaluation stage, i.e., Practical / Factory Assessment.

Item	Description	Weight
1	Company Work Related Experience	40%
2	Vehicles	30%
3	Offices Premises & Workshop	30%
	Total	100%
	Threshold	80%

Tenderers that do not meet the overall threshold of 80% will be disqualified and not evaluated further.

Step 3 – Stage 3

PRACTICAL / FACTORY ASSESSMENT REQUIREMENTS

Tenderers that meet the requirements in Stage 1, will undergo a practical / factory on-site assessment to verify and confirm all requirements submitted in stage 1 (Mandatory requirements), premises, offices, workshop and vehicles.

All requirements must be verified as fully compliant for a tenderer to pass this stage.


Tenderers that do not pass stage 3 of the technical evaluations, will not be evaluated further.

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3.14 Evaluation of Price

EVALUATION STEP 4.1- PRICE EVALUATION

- The evaluation will be conducted as per Preferential Procurement Regulation 2022 (PPR 2022)
- The 80/20 preference points system will be used to evaluate price as the contract value is below R50 million; a maximum of 20 points may be allocated to specific goal with a maximum of 80 points allocated for price
- The price and preference evaluation will be conducted per zone.
- The total of the rates on the BOQ (Bill of Quantities) will be used for price evaluation, per zone

Price will be scored out of 80 points, using the following formula;

Adjudication Criteria	Points
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	80

Where:

P_s = Points scored for price of tender under consideration

P_t = Rand value of tender under consideration

P_{min} = Rand value of the lowest acceptable tender

Prices will be evaluated as follows:


- Inclusive of VAT;
- Corrected for arithmetical errors;
- Excluding contingencies in any bill of quantities or activity schedule;
- Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and
- Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.
- Unconditional discounts will be taken into account for evaluation purposes.

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	<ul style="list-style-type: none"> Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected. <p>Prices will be scored out of 80 points</p>																						
3.16 Evaluation of Specific Goals	<p><u>EVALUATION STEP 4.2 – SPECIFIC GOALS</u></p> <p>Specific goals will be scored out of 20 points in accordance with the PPPFA.</p> <p>If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified, however, it will be awarded 0 points for that Specific Goal.</p> <table border="1"> <thead> <tr> <th colspan="2">Specific Goals Scorecard</th></tr> <tr> <th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr> </thead> <tbody> <tr><td>1</td><td>20</td></tr> <tr><td>2</td><td>18</td></tr> <tr><td>3</td><td>14</td></tr> <tr><td>4</td><td>12</td></tr> <tr><td>5</td><td>8</td></tr> <tr><td>6</td><td>6</td></tr> <tr><td>7</td><td>4</td></tr> <tr><td>8</td><td>2</td></tr> <tr><td>Non-compliant contributor</td><td>0</td></tr> </tbody> </table> <p>To claim preference points as specific goals, a tenderer must submit the following documentation:</p> <ul style="list-style-type: none"> Valid B-BBEE certificate issued by a B-BBEE verification professional, or a sworn-affidavit, or a CIPC affidavit - (As prescribed by the B-BBEE Codes of Good Practice) <p>A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but-</p> <p>(a) may only score points out of 80 for price (b) scores 0 points out of 20 for specific goals.</p>	Specific Goals Scorecard		B-BBEE Status Level of Contributor	Number of points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-compliant contributor	0
Specific Goals Scorecard																							
B-BBEE Status Level of Contributor	Number of points (80/20 system)																						
1	20																						
2	18																						
3	14																						
4	12																						
5	8																						
6	6																						
7	4																						
8	2																						
Non-compliant contributor	0																						

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	<p>If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified. However, it will be awarded 0 points for that Specific Goal.</p> <p>A tenderer may not be awarded points for specific goals if the tender documents indicate that the tenderer intends to subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that can execute the subcontract.</p>
3.17 Ranking of tenders	<p>Tenderers with rand value equal to or below R50 million, will be ranked by applying the preferential point scoring for the 80/20 system.</p> <p>Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.</p> <p>The ranking will be as follows:</p> <ul style="list-style-type: none"> • The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100. • If two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals. • If two or more tenderers scored equal points, including equal points for Specific Goals, the recommended tenderer is identified as the tenderer that scored the highest score for functionality, if functionality was part of the evaluation process. • If two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.
3.18 Objective Criteria	<p>Please note that Eskom may award the contract to a tenderer other than the highest scoring if objective criteria justify the award to another tenderer.</p> <p>The following objective criteria apply to the enquiry:</p> <p><u>EVALUATION STEP 5 - OBJECTIVE CRITERIA</u></p> <p>The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.</p>

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	<p>5.1 Designated Sectors</p> <p>The following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer;</p> <table><tr><th>Sector</th><th>Components</th><th>Local Content Threshold</th></tr><tr><td>Textile</td><td>Fall Arrest Systems (Harness)</td><td>100%</td></tr></table> <p>NOTE:</p> <ul style="list-style-type: none">• Local Content requirements are applicable to the textile parts• SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore tender returnable documents	Sector	Components	Local Content Threshold	Textile	Fall Arrest Systems (Harness)	100%
Sector	Components	Local Content Threshold					
Textile	Fall Arrest Systems (Harness)	100%					
Contractual Requirements	<p><u>EVALUATION STEP 6 – CONTRACTUAL REQUIREMENTS</u></p> <p>Contractual Requirements are not evaluation criteria. They will be assessed after the evaluation and ranking of the tenders. Proof that the tenderer recommended for award has met the stipulated contractual requirements must be submitted prior to contract award.</p> <p>Failure to meet stipulated Contractual Requirements by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>THE FOLLOWING CONTRACTUAL REQUIREMENTS SHALL APPLY TO THIS TENDER:</p> <ul style="list-style-type: none">• Proof of CSD registration (mandatory)• Technical Contractual Requirements• Quality Requirements <p><u>6.1 CSD REGISTRATION</u></p> <p>Submit proof of CSD (Central Supplier Database) registration</p> <p>A contract may not be awarded to a Tenderer that is not registered on CSD or who have a non-compliant tax status</p>						

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	<u>6.2 TECHNICAL CONTRACTUAL REQUIREMENT</u>									
	<table border="1"> <thead> <tr> <th>No.</th><th>Requirements</th><th>Evidence Required</th><th>Evidence Notes</th></tr> </thead> <tbody> <tr> <td>1</td><td>PDE SCOT Website Access</td><td>Submit letter showing username and password</td><td> Contractors need to subscribe to the PDE Website to get the latest Eskom standards and drawings. Access outside Eskom - https://scot.eskom.co.za The confirmation of access Letter should be valid at the time it gets submitted. </td></tr> </tbody> </table>	No.	Requirements	Evidence Required	Evidence Notes	1	PDE SCOT Website Access	Submit letter showing username and password	Contractors need to subscribe to the PDE Website to get the latest Eskom standards and drawings. Access outside Eskom - https://scot.eskom.co.za The confirmation of access Letter should be valid at the time it gets submitted.	<u>6.3. SUPPLIER QUALITY REQUIREMENTS</u> The following Quality Documents are applicable and need to be referred to when compiling the Quality Requirements submissions. The Annexures are attached separately. <ul style="list-style-type: none"> Annexure O - 240-105658000 Supplier Quality Management Specification Annexure P - 240-126469599 Method Statement template Rev 2 Annexure Q - 20040927 - FAS, Rescue Kits, and accessories - Form A - Tender Contract Quality Requirements Annexure R - 20240927 - Supply and delivery of FAS, Rescue Kits, and accessories - List of Tender Returnable Documents
No.	Requirements	Evidence Required	Evidence Notes							
1	PDE SCOT Website Access	Submit letter showing username and password	Contractors need to subscribe to the PDE Website to get the latest Eskom standards and drawings. Access outside Eskom - https://scot.eskom.co.za The confirmation of access Letter should be valid at the time it gets submitted.							
3.22 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the NEC3 SSC – Supply Short Contract Main Option – Item and Price List X1: Price adjustment for inflation X2: Changes in the law X7: Delay damages X17: Low performance damages									

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ANNEXURE A

AUTHORISATION FORM

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

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR	F TRUST

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust 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, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust). Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

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. A certified copy of the resolution of the board is annexed to this Form.


Signed:	Date:
Name:	Position:

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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. A certified copy of the members' resolution is annexed to this Form.

Signed:	Date:
Name:	Position:

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 behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

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 _____

_____, 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.

We attach to this Form a certified 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 which member 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 member		
Member		
Member		
Member		

NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.

E. Certificate for sole proprietor

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


Signed:	Date:
Name:	Position: (Sole Proprietor)

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F. Certificate for trust

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

Signed:	Date:
Name:	Position:

NOTE: The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.


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

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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: ☐

Cataloguing Acknowledgement:

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

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


- 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:


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

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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) or trust number.	
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	

- If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
- 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 _____
- 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.
- You may register online at National Treasury website on www.treasury.gov.za
- If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
- 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	


- **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 authorized 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:-

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
- the *legal 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.
- 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 Act¹; 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;
 - (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

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- (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:


- abused Eskom’s procurement process (e.g. bid rigging/collusion); or
- 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/trustees/beneficiaries 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 (www.treasury.gov.za).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries 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 (www.treasury.gov.za).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries 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/trustees/beneficiaries 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/trustees/beneficiaries 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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• **DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION**

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

I further declare that the following individuals and/or entities listed hereunder are Shareholders / Beneficiaries
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 / Beneficiary Share

Other Entities*:

Full Legal / Trading Name	Entity Registration Number/Trust Number	Shareholding Percentage / Beneficiary Share	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.

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

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

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.

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

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ANNEXURE E

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

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

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

1. Application of CPA

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

2. Tender Submissions

Eskom Proposed CPA breakdown for Local Goods and Service

CPI rate on an annual basis from year 2 of the contract

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


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

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Eskom CPA Conditions/Requirements

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

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

3. BASE DATE AND BASE PRICE

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

4. CPA FOR PROFESSIONAL SERVICES


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

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Closing date of tender:	
Name of tenderer:	
Full names of authorized signatory:	
Signature:	
Date of signature:	

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ANNEXURE F

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where:

x is the imported content in Rand

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

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

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

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

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


	Commodity	Components	Local Content Threshold
	Textile	Fall Arrest Systems (Harness)	100%
1	Powerline Hardware	Fall Arrest System, Powerlines Small	100%
2	Powerline Hardware	Fall Arrest System, Powerlines Med	100%
3	Powerline Hardware	Fall Arrest System, Powerlines Large	100%
4	Powerline Hardware	Fall Arrest System, Powerlines X-Large	100%
5	Powerline Hardware	Fall Arrest System, Live Work Small	100%
6	Powerline Hardware	Fall Arrest System, Live Work Medium	100%
7	Powerline Hardware	Fall Arrest System, Live Work Large	100%
8	Powerline Hardware	Fall Arrest System, Live Work X-Large	100%
9	Powerline Hardware	Rescue System Working from Height	100%
10	Powerline Hardware	Rescue Equipment/Kit 20m	100%
11	Powerline Hardware	Rescue Equipment/Kit 30m	100%
12	Powerline Hardware	Fall Arrest Sys, Retract Poly 2,5m	100%
13	Powerline Hardware	Fall Arrest Sys, Retract Poly 3,5m	100%
14	Powerline Hardware	Fall Arrest Sys, Retract Poly 5,5m	100%
15	Powerline Hardware	Fall Arrest Sys, Retractst/Wrope 2.5m	100%
16	Powerline Hardware	Fall Arrest Sys, Retractst/Wrope 3.5m	100%
17	Powerline Hardware	Fall Arrest Sys, Retractst/Wrope 5.5m	100%
18	Powerline Hardware	Fall Arrest Sys, Guidedincl Flex 5m	100%
19	Powerline Hardware	Fall Arrest Sys, Guidedincl Flex 10m	100%
20	Powerline Hardware	Fall Arrest Sys, Guidedincl Flex 15m	100%
21	Powerline Hardware	Fall Arrest Sys, Guidedincl Flex 20m	100%
22	Powerline Hardware	Fall Arrest Sys, Subs&Aux Small	100%
23	Powerline Hardware	Fall Arrest Sys, Subs&Aux Medium	100%
24	Powerline Hardware	Fall Arrest Sys, Subs&Aux Large	100%
25	Powerline Hardware	Fall Arrest Sys, Subs&Aux X-Large	100%

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

(Tick applicable box)

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

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.


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

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

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

IN RESPECT OF BID NO. LP00191HR

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

Eskom Holdings SOC Limited - Procurement Department Polokwane Limlanga Cluster

NB

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

I, the undersigned, (full names),

do hereby declare, in my capacity as

of(name of bidder

entity), the following:


- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:

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- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

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

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____


PLEASE ALSO COMPLETE LOCAL CONTENT ANNEXURE C – ATTACHED SEPERATELY AS ANNEXURE J

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ANNEXURE G

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	LP00191HR	CLOSING DATE:	07 FEBRUARY 2025	CLOSING TIME:	10:00 AM
DESCRIPTION	The supply and delivery of various Fall Arrest Systems, Rescue Kits, and accessories to the Limlanga Cluster, on an “as and when required” basis, for a period of 5 years				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
THE TENDER OFFICE					
ESKOM HOLDING SOC LTD					
LIMLANGA CLUSTER- LIMPOPO					
MILLENNIUM BUILDING					
90 HANS VAN RENSBURG STREET					
POLOKWANE					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	HEIDA RICKETT		CONTACT PERSON	HEIDA RICKETT	
TELEPHONE NUMBER	015-299 0475		TELEPHONE NUMBER	015-299 0475	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	Rickethm@eskom.co.za		E-MAIL ADDRESS	Rickethm@eskom.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA

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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]
--	--	---	--

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

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
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. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO 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 WWW.SARS.GOV.ZA .
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 H

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 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**

- a) The applicable preference point system for this tender is the **80/20** preference point system.

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	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS


- “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:

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest 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:
- 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.

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

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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

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 proprietor
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Trust
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

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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.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....


.....

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ANNEXURE I

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.

Full Name	Identity Number	Name of State Institution

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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 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.

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

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

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

.....

Signature

Date

.....

Position

Name of bidder

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