	Invitation to Tender	Document Identifier	240-114238630	Rev	20
		Effective Date	08 November 2024		
		Review Date	November 2029		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER (ITT)

FOR

**ASH DISPOSAL FACILITY VOLUME INCREASE CIVIL WORKS AT TUTUKA
POWER STATION**

Tender number	MWP2959PS
Issue date	13 December 2024
Closing date and time	24 February 2025 at 10h00
Tender validity period	90 days from the closing date and time
Clarification meeting	<p>A compulsory clarification meeting will be Conducted as follows:</p> <p>23 January 2025 at 10h00 venue is Tutuka Power Station Outside Conference</p> <ul style="list-style-type: none"> • A plant walk with representatives of the Employer will take place following the clarification meeting. • Induction will be arranged prior to the plant walk. • Tenderers must ensure that relevant experts attend the meeting. • Tenderers must ensure they sign the attendance register and complete it in a legible manner to ensure that attendance is recorded. • Tenderers must confirm their intention to attend the meeting with the Eskom Representative on e-mail Thobejta@eskom.co.za by 22 January 2025 stating the Company Name, Attendee Name and ID number of each proposed attendee in order to arrange for gate access. • Tenderers are responsible for the relevant PPE i.e., Face Masks/ Face Shields, hard hats with chin strap, safety boots, safety goggles, overalls, ear protection and reflector vests/jackets.

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	<ul style="list-style-type: none"> No cameras/photos are allowed to be taken on site. <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p>
Tenders are to be delivered to the following address by the stipulated closing date and time	TENDER OFFICE ESKOM MEGAWATT PARK MAXWELL DRIVE SUNNINGHILL SANDTON

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the Ash Disposal Facility Volume Increase Civil Works at Tutuka Power Station.

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

1. Free of charge

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

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



Pamela Cele

Procurement Manager

Date: 13/12/2024

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1.1 Annexures to the Tender

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

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	Y
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures F1 to F4 as evidence of compliance with this requirement). Annexure C Local Content Declaration-Summary Schedule Annexure D Imported Content Declaration – Supporting Schedule to Annexure C Annexure E Local Content Declaration-Supporting Schedule to Annexure C	Annexure G1 Annexure G2 Annexure G3 Annexure G4	Y Y Y Y
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC)	N/A	

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	or Trust is a personal service provider for purposes of		
1.1.12	Reverse e-auction training acknowledgement form (if applicable)	N/A	
1.1.13	Reverse e-auction process (if applicable)	N/A	
1.1.14	CIDB Contract Skills Development Goals (CSDG)	<i>To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)</i>	
1.1.15	Contract Participation Goals (CPG)	<i>To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)</i>	
1.1.16	Scope of Work	<i>Attached</i>	
1.1.17	NEC	<i>Attached</i>	
1.1.18	Pricing Schedule/BOQ	<i>Attached</i>	

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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: Tshogarebone Thobejane Tel: 017 749 5408 E-mail: TutukaCMDProcurementSupport@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MWP2959PS.</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of enquiry	<p>This enquiry is:</p> <ol style="list-style-type: none"> 1. An open invitation to tender.
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> <p><u>Tenderers are ineligible to submit a tender if:</u></p> <ol style="list-style-type: none"> 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. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.

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	<p>3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non- authorised persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work.</p> <p>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 24 February 2025</p> <p>Time 10:00 AM (SAST)</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>TENDER OFFICE</p> <p>ESKOM MEGAWATT PARK</p> <p>MAXWELL DRIVE</p> <p>SUNNINGHILL</p> <p>SANDTON</p>
2.9 Submitting a tender -Original tender and copy	<p>The tenderer must submit a complete original tender in paper form, plus one (1) complete copy of the original tender, also in paper form, at tender submission deadline. If an original tender is not submitted at all, or a copy of the original tender is not submitted at all, the tenderer will be disqualified.</p> <p>Eskom requires that one (1) additional complete soft copy of the original tender is required in electronic format.</p>

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2.12 Tender Validity Period	The tender validity period is 12 weeks:
2.15 Site visit and/or clarification meeting	<p>A compulsory clarification meeting with representatives of Eskom will take place as follows: Date: 23 January 2025 Time: 10h00 Venue: Tutuka Power Station Outside Conference Boardroom Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.</p> <p>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory, then tenderers must attend such meeting. Tenderers that do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is 5 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. Where cataloguing is a requirement, the Pricing Schedule must also include a line item for cataloguing, which tenderers are required to quote for. Eskom will pay for the cataloguing.
2.33 Provision of Security for Performance	<p>The following forms of security are required for this enquiry:</p> <p>1. Performance Bond</p> <p>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.</p>

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	List of financial institutions that are pre-approved by Eskom's Treasury Barclays Bank PLC BNP Paribas Citibank N.A. Commerzbank AG Credit Agricole Corporate and Investment Bank Deutsche Bank AG HSBC Bank PLC JPMorgan Chase Bank Rabobank Nederland Royal Bank of Scotland N.V. Societe Generale
3.4 Tender Opening	Tenders will be opened at the same date and time as the tender deadline: Tenders will be opened on: Place: Tender office, Eskom Megawatt Park, Maxwell Drive Sunning Hill Date: 24 February 2024 Time: 10:00 AM (SAST)
3.5 Prices to be read out or not	Prices will <i>not be read out</i> .
3.9 Basic Compliance	Basic compliance with this enquiry requires a tenderer to meet all the following requirements: <ol style="list-style-type: none"> 1. Meet the eligibility criteria; 2. Submit a complete original tender with commercial, financial and technical information; 3. Submit the original tender in paper form, plus a copy of the original, also in paper form; and 4. Submit the mandatory commercial tender returnables at the stipulated deadlines.
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines stipulated in the Tender Returnable section will be deemed non-responsive.
3.12 Functionality requirements	Functionality requirements <i>are applicable</i> Functionality will be evaluated on a total average weight of 100%. A weighted score-card approach is used to evaluate the technical compliance of the tenders against the specifications and Works

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	<p>Information requirements. Tenderers need to obtain a minimum score of 70% or more technically to qualify for further evaluation</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>										
3.14 Evaluation of Price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> 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. 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 90 points</p>										
3.16 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 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>B-BBEE Status Level of Contributor</th><th>Number of points (90/10 system)</th></tr> </thead> <tbody> <tr> <td>1</td><td>10</td></tr> <tr> <td>2</td><td>9</td></tr> <tr> <td>3</td><td>6</td></tr> <tr> <td>4</td><td>5</td></tr> </tbody> </table>	B-BBEE Status Level of Contributor	Number of points (90/10 system)	1	10	2	9	3	6	4	5
B-BBEE Status Level of Contributor	Number of points (90/10 system)										
1	10										
2	9										
3	6										
4	5										

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	5	4
	6	3
	7	2
	8	1
	Non-compliant contributor	0
<p>Tender Returnable if the above elements are requirements.</p> <ul style="list-style-type: none"> Valid original or certified copy of affidavit in the case of EME's must be submitted (affidavit must be completed fully), or Valid Copy B-BBEE Certificate issued by CIPC for EME's. OR Valid original or certified copy of the B-BBEE certificate / affidavit in the case of QSE's must be submitted, or Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or For JV's only valid original or certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV. <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 90/80 for price and (b) scores zero points out of 10/20 for specific goals.</p>		
3.17 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring for the 90/10 system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.	
3.18 Objective Criteria	<p>Objective criteria are applicable</p> <p>Please note that Eskom may award the contract to a tenderer other than the highest scoring if objective criteria justify the award.</p> <p>The following objective criteria apply to the enquiry:</p> <ul style="list-style-type: none"> Designated material and thresholds 	

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Commodity	Components	Local Content Threshold
Steel Products and Components for Construction	<ul style="list-style-type: none"> Reinforcement steel (rebar) Wire rod and Drawn wire Joining/Connecting Components Fasteners 	100% 100% 100% 100%
Plastic Pipes	High density polyethylene (HDPE) pipes	100%
PPE	Reflector Vests, Jackets, Boots, Textiles, Clothing, Leather & Footwear, etc.	100%
Bagged and Bulk Cement		
Cement type	Description	Local Content Threshold
Cem I	Pure Portland cement with a 95-100% clinker.	100%
Cem II	Portland cement containing varying additions of secondary materials, i.e., fly ash, pozzolana, slag, silica fume, or limestone	100%
Cem III	Blast furnace cement, 50% OPC, 50% blast furnace slag	100%
Cem IV	Pozzolan cement, OPC and fly ash	100%
Cem V	Composite cement: slag and ash cement. Blended cements with more than one blending material	100%
Masonry cement	Mixture of Portland cement and plasticizing materials such as limestone to improve setting time	100%

NOTE 1: Mandatory for eligibility under Objective Criteria:

- (F1) - SBD 6.2 Declaration Form
- (F2) - Annexure C (Local Content Declaration-Summary Schedule
- (F3) - Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C

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

- **NIPP Requirements**

Should the Tenderer intend or indicates that there will be imported material/goods/services equal to or more than US\$5 million, NIPP requirement would need to be complied with.

- **CIDB Contract skills development goals (CSGD) is applicable**

The Contractor will be expected to spend 0.25% of the contract amount on Skills Development in accordance with the Contractor's Skills Development Goals. The Skills/Trades will be related to the scope of works as follows:

Skills Type	Number of learners	Intake	Outcome
Engineering Technician/ Technologist (Civil)	8	S4	National Diploma Civil
Yellow Plant Operators	12	N1/Grade 10	Certificate of Competence
Steel Fixer	15	N1/Grade 10	Steel Fixer Level 1
Concrete Hand	15	N1/Grade 10	Concrete Hand Level 1
Shutter Hand	15	N1/Grade 10	Shutter Hand Level 1
Safety Officer	10	N6/Diploma/Degree	SACPCMP
Total	75		

Note 3: The above-mentioned Skills are a guideline. The actual skills/trade type may be negotiated. However, expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIDB CSDG is a Condition for Contract Award.

The Tenderers are free to propose any other relevant Skills Development that will be feasible and benefit the previously disadvantaged communities. This may even include Workplace Integrated Learning (WIL) from the TVET Colleges around Gert Sibande District Municipality.

Returnable documents for CIDB CSDG

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- Letter confirming expenditure of 0.25% of the Acceptable Contract Amount in accordance with the CIDB CSDG

Subcontracting

Tenderers shall subcontract a minimum of 30% of the contract value to one or more of the following entities;

- An EME or QSE which is at least 51% owned by black people;
- An EME or QSE which is at least 51% owned by black people who are youth;
- An EME or QSE which is at least 51% owned by black people who are women;
- An EME or QSE which is at least 51% owned by black people with disabilities;
- An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- A cooperative which is at least 51% owned by black people;
- An EME or QSE which is at least 51% owned by black people who are military veterans;

Potential Subcontracting to EME/ QSE that are at least 51% owned by black people:

- Small concrete work,
- Supply of aggregates,
- Plant Hire,
- Diesel Supply,
- Drainage works,
- Transport of Labour and Material,
- Traffic Management Services
- Accommodation,
- Cleaning Services,
- Catering Services, and
- Medical Surveillance, etc. as stipulated in the CIDB Enterprise and Supplier Development Guideline

Mandatory for eligibility under Objective Criteria:

- Proof of a sub-contract agreement/s or letter of intention to subcontract must be submitted,
- Sub-contractor/s B-BBEE certificate /Sworn Affidavit,
- CSD and/or CK must be submitted.

Best Practice Standards in terms of the Standard for Indirect Targeting for Enterprise Development as per regulation 22A of CIDB

The implementation date for Public Entities or Clients implementing Strategic Integrated Projects (SIPs) gazette in terms of the

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Infrastructure Development Act No. 23 of 2014, as amended, from which the different classes of construction works (Civil Engineering and General Building) with a minimum tender grade and minimum project duration became subject to an Assessment of Compliance with the Standard for Indirect Targeting for Enterprise Development through construction works contracts is 01 April 2021, as published in Government Notice No. 43726.

The Tutuka Power Station's Ash Dump Facility (ADF) Main Civil Project falls within this compliance requirement as the class of construction in question is Civil Engineering (CE) and the tender value (grade 9) exceeds the minimum tender grade (grade 7) and minimum project duration (6 months) as specified.

The aim of this best practice Standard for Indirect Targeting for Enterprise Development is to promote enterprise development by providing for a minimum Contract Participation Goal (CPG) of 5% of the total project value to be undertaken by joint-venture partners or to be sub-contracted to developing contractors that are also to be beneficiaries of enterprise development and support from the main contractor. In this instance, Eskom will ensure that at least ensure that at least 5% of the Contract Amount is subcontracted to CIDB registered contractors that are also to be beneficiaries of enterprise development and support from the main contractor. This will not be an evaluation criterion but rather a condition of contract.

Enterprise Development (ED)

The Contractor shall perform a needs analysis on all targeted enterprises and provide internal mentorship that improves the targeted enterprises performance in at least two developmental areas, such developmental areas should be guided by the requirements of the CIDB Best Practice Contractor Recognition Scheme as well as the NCDP exit requirements for accreditation of contractors. The developmental areas are listed in the GN.

The Contractor shall appoint an Enterprise Development Co-Coordinator who shall:


- Develop a project specific enterprise development plan to improve the targeted enterprise's performance in the identified developmental areas which allocate resources and monitors progress in relation to improved performance; and
- Submits to the employer's representative a monthly ED report that documents all mentoring activities that have taken place during that month and progress made in improving the targeted enterprise's performance in the development area, countersigned by the targeted enterprise.

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	<p>Please note:-</p> <p>1. Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA</p>												
3.19 Reverse e-auction	Reverse e-auction is <i>not applicable</i> .												
Contractual Requirements	<p><u>Mandatory Contractual Requirements that must be included in all tenders is the following:-</u></p> <p>1.Proof of CSD registration</p> <p>2.Quality requirements</p> <p>The following are Quality requirements:</p> <table><tr><td>SECTIONA</td></tr><tr><td>Quality Management System Requirements ISO 9001:2015 (Ref 240-105658000 or 240-51544462)</td></tr><tr><td>A.1 Product / Service Scoping on ISO certificate is defined and relevant</td></tr><tr><td>A.2 Certificate by Approved and Authorized certification authority</td></tr><tr><td>A.3 Certification Authority is has Recognized International Accreditation</td></tr><tr><td>A.4 Validity (expiry date) of certificate</td></tr><tr><td>SECTION B</td></tr><tr><td>Evidence of QMS in operation (Tender Quality Requirements - Ref 240-105658000 or 240-51544462)</td></tr><tr><td>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)</td></tr><tr><td>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)</td></tr><tr><td>B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. (Clause 9.2 of ISO 9001:2015)</td></tr><tr><td>B.4 Latest copy of an external management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports)</td></tr></table>	SECTIONA	Quality Management System Requirements ISO 9001:2015 (Ref 240-105658000 or 240-51544462)	A.1 Product / Service Scoping on ISO certificate is defined and relevant	A.2 Certificate by Approved and Authorized certification authority	A.3 Certification Authority is has Recognized International Accreditation	A.4 Validity (expiry date) of certificate	SECTION B	Evidence of QMS in operation (Tender Quality Requirements - Ref 240-105658000 or 240-51544462)	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)	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)	B.3 Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports) - Report must include but not limited to Objective, Scope, Criteria and outcomes of the audit. (Clause 9.2 of ISO 9001:2015)	B.4 Latest copy of an external management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports)
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	<p>B.5 Records of Management Review meetings (minutes, attendance registers etc)</p> <p>SECTION C Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).</p> <p>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</p> <p>NB! Draft Contract/Project Quality Plan has important QA deliverables</p> <p>SECTION D Quality Control Plan Requirements (Ref 240-105658000 Annexure I or 240-51544462)</p> <p>QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000) NB! Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done</p> <p>SECTION E User defined additional Requirements & miscellaneous (Ref 240-105658000) Customer specific requirements & other standards and required can be listed and evaluated here</p> <p>E.1 Form A is completed and signed.</p> <p>E.2 Work class manufacturing (WCM) models and or business improvement model i.e. Six sigma methodology etc</p> <p>E.3 Capability and Capacity assessment i.e., this will be conducted on supplier site prior to contract award if required</p> <p>3.Safety requirements</p> <p>The following are SHEQ requirements.</p> <ul style="list-style-type: none"> Acknowledgement form for Eskom's rules and equipment; Costing for Safety Health and Environmental management. OHS Act 85 of 1993 Construction Regulations 2014 5(1)(g) states that it is the duty of the Client to ensure that potential Principal Contractor submit tender that has made adequate provision for the cost of health and safety measures; Baseline Risk assessment; Health and Safety Plan (include organogram, equipment, machinery and vehicles to be utilised in this project); Valid letter of good standing; SHE policy signed by the CEO; SHE competency (including CV's of key staff, SACPCMP registration e.g. CHSM, CHSO); and Construction Management competency (including CV's of key staff e.g. SACPCMP registration PrCM
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4.Planning Requirements

The following are Planning requirements:

- The tenderer to provide (Soft and Hardcopy) of a level 4 programme in Primavera , showing activities of all the project work to be done by the supplier, and the other work covered by the contract that is being done by the sub-contractors (i.e. is the entire scope of the works represented?)
- The schedule to show a logical links/ sequence/ relationships that connect the various activities together (showing all hold points);
- The schedule must show Links/logic, the CPM (Critical Path Method) technique is used for programme and planning;
- Submit the curriculum vitae of the qualified Planner.
- The works to be completed within accepted durations that are in consistence with key dates provided in the contract data. Milestone dates in line with key date/contract data shown on the schedule;
- Constrains and lags to be excluded on schedule.; and
- Activities longer than 10 days to be broken down

5. Environmental Requirements

- **ENVIRONMENTAL MANAGEMENT SYSTEM (e.g ISO 14001)**
 - Environmental Policy
 - Objectives and Targets
 - Roles and Responsibilities
 - Communication
 - Internal Audits
 - Emergency Preparedness (Environmental related emergencies)
 - Monitoring, measurement, and evaluation of compliance
 - Non-Conformance, Corrective action, and preventive action
 - Management Review
- **ENVIRONMENTAL MANAGEMENT PLAN**
 - Handling of Hazardous Chemical Substances
 - Vegetation Management
 - Site Establishment
 - Water Management
 - Access Control
 - Dust and Noise control
 - Environmental Human Resources
 - Environmental Training
 - Environmental Incident Reporting
 - Landowner Liaison
 - Rehabilitation

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- Compliance to Other Legal Requirements
- Wildlife Interaction
- Other Documentation
- **WASTE MANAGEMENT PLAN**
 - Procedure/method statement submitted
 - Register of possible waste to be generated by the project
 - Waste separation
 - Waste minimisation
 - Records of waste quantities disposed (Template)
 - Legislation requirements
- **ENVIRONMENTAL BILL OF QUANTITIES**
 - Environmental Bill of quantities submitted
 - Waste management
 - Land management (e.g. Rehabilitation costs, Erosion control/berms, maintenance of access roads, No Go fencing, vegetation clearing)
 - Pollution (e.g. dust suppression, building of bund walls, building of wash bays and workshops)
 - Water Management
 - Human Resources (Environmental Officer Services)
 - Environmental Management System

6. Financial statements

The following are Financial Analysis:

A financial evaluation including a financial analysis will be conducted by Eskom to verify the financial viability of the tenderer and its ability to meet the contractual obligations for the duration of the contract. The bidders will be expected to submit and/or disclose any information that they consider material/pertinent regarding their financial standing

7. B-BBEE Certificate:

The Contractor is expected to submit a B-BBEE Certificate or Sworn Affidavit before Contract Award if not submitted for Tender Evaluation.

8. Maintain and/or improve B-BBEE Status:

Awarded Contract is expected to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

9. Job Opportunities and Upskilling of Employees:

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	<p>Tenderer to indicate number of Jobs to be created and/or retained due to this contract.</p> <table border="1"> <tr> <th>Number of Jobs to be created</th><th>Number of Jobs to be retained</th></tr> <tr> <td></td><td></td></tr> </table> <p>The Contractor should ensure that all its General Workers and Semi-Skilled Workers and at least 30% of the skilled workers are recruited from within the Gert Sibande District Municipality Area.</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>	Number of Jobs to be created	Number of Jobs to be retained		
Number of Jobs to be created	Number of Jobs to be retained				
3.22 Sign form of Agreement/ Contractual Conditions	<p>The conditions of contract will be the NEC3 Engineering and Construction Contract</p> <p>The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard published in GGN 36760 of March 2020.</p> <p>The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (<i>published in GN 1779, Government Gazette No. 48481 of 28 April 2023</i>)</p>				
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are applicable				

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- It is estimated that tenderer must have a Construction Industry Development Board (CIDB) contractor grading of 9 CE (Civil Engineering)
- Joint ventures are eligible to submit tenders provided that: -
 - **every member** of the Joint venture (JV) is registered with the CIDB.
 - **the lead partner** has a contractor grading designation in the 9CE class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status.
 - **the combined contractor grading** designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or 9CE class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIDB Regulations.

Please note that only those tenderers that are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works are eligible to submit tenders.

Eskom must, within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing, register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.

2.29 Contract Skills Development Goals (CSDG) is *applicable*.

1. The CSDG applicable to this tender is in terms of the Engineering and Construction Works contract with respect to the 9CE class of works and the applicable percentage is 0.25% and is contained in the relevant BOQ/Pricing schedule attached.

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[Please note:

Contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts (published in GN 1779, Government Gazette No. 48481 of 28 April 2023)

CSDG is applicable to a contract or an order issued in terms of a framework agreement that has a duration of 12 months or more, and to:

a) a cidb grading designation of grade 7 or higher, in case of an engineering and construction works, or design and build contract or an order issued in terms of such a contract].

2.31 Contract Participation Goals is applicable

[Please note:

Contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprises as established in the CIDB Standard for Indirect Targeting for Enterprise development through Construction Works Contract (published in Government Gazette No. 36190 of 25 February 2013)

The requirements of a contract participation goal relating to the engagement of targeted enterprises as established in the aforesaid standard applies to:

a) construction works contracts in the General Building (GB) and to Civil Engineering (CE) classes of construction works;

b) construction works contracts of an estimated minimum project duration of 6 months; and

c) construction works contracts in which at least 25% of the main contract could reasonably be expected to be sub-contracted out in one or more of the following CIDB classes of construction works:

- **Civil Engineering (CE)**

The contractor shall engage targeted enterprise/s in the performance of the contract to the extent that at least 5 % contract participation goal is achieved.

The contractor shall determine the contract skills participation goals expressed in Rands which shall not be less than the contract amount multiplied by a percentage factor.

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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

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

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

1.2 TENDER RETURNABLES

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

NOTE THE FOLLOWING: -

* Returnables required at Tender closing (disqualifiable): -

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

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

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

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

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

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

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	Original tender plus one copy, both in paper form	✓		
Annexure A	Authorisation Form		✓	
Annexure B	Acknowledgement Form		✓	
Annexure C	Tenderers Particulars		✓	
Annexure D	Integrity Pact Declaration form		✓	
Annexure E	CPA for local goods/services (if applicable)	✓		
Annexure F	CPA(IG) for imported goods/services (if applicable)	✓		
Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4			✓
Annexure H (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
# Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
Annexure J	SBD 4 – Bidders Disclosure		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and		✓	

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	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.			√
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			√
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			√
CIDB	Valid proof of the required CIDB grading designation 9CE for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer .		√	
NEC Contract	NEC Contract, completed in full.	√		
Pricing schedule	Completed pricing schedule	√		

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Contractual Requirements	<i>As per the invitation to tender</i>			√
Objective Requirements	<i>As per the invitation to tender</i>			√
Mandatory Contractual Requirement	Proof of valid and current CSD Registration (CSD number/CSD Report)			√
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (Coid) or a licensed compensation insurer (South African tenderers only)			√
Due Diligence/financial analysis	<p>Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year.</p> <p>In the case of a joint venture or special purpose vehicle (SPV) specially formed for this tender, audited financial statements for each participant in the JV / SPV must be submitted.</p> <p>Start-up enterprises formed within the last 12 months are not required to submit audited financial statements, but if successful in this enquiry; will be required to furnish statements for the first year once available.</p>			√
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Functionality/Technical (required for evaluation /scoring)	Refer to the tables below starting on page 27	√		

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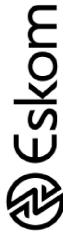
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Table 5: Qualitative Technical Evaluation Criteria

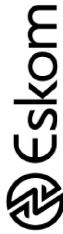
	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Compliant	Compliant with Associated Qualifications	Non-Compliant	Totally Deficient or Non-responsive
			(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
	Civil Engineering		100				
1	<p>Provide previous experience with proof that the contractor has previously executed works related/similar to the SOW</p> <p>The tenderer submits a list of traceable references that adequately proves that the tenderer has completed project(s) of a similar scope and magnitude in the last 5 years</p>	<p>List of similar projects and signed references including signed project completion forms stating the work was completed as per the clients time duration and quality requirements.</p> <p>This shall include the following information:</p> <ul style="list-style-type: none"> Project Name Project Description Project Cost 	20	5 or more referable contracts	3 to 4 referable contracts	1 to 2 referable contracts	No submission made / No Relevant Experience

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Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Compliant	Compliant with Associated Qualifications	Non-Compliant	Totally Deficient or Non-responsive
		(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
Civil Engineering		100				
	<ul style="list-style-type: none"> Project End Date Contact Details <p>Work experience must demonstrate competency in works as stated in the works information</p> <p>15ENG GEN-3012</p>					
2	<p>Key Resources (Defined in Table 6) Requirements:</p> <p>Demonstrate that the proposed key personnel have worked on similar projects and that each of the proposed key resources have relevant experience. CVs for key personnel to be used on this project to be submitted. This shall include proof of qualifications with relevant professional bodies.</p>	15	Score = 100%	Score ≥ 80%	Score ≥ 40%	Score < 40%
			Weighted score as per table 6.	Weighted score as per table 6	Weighted score as per table 6	Weighted score as per table 6

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	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Compliant	Compliant with Associated Qualifications	Non-Compliant	Totally Deficient or Non-responsive
			(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
	Civil Engineering		100				
3	<p>Project Organogram:</p> <p>An organogram including all the key resources with their names and qualifications as defined in table 6 below to be submitted covering the full scope of work.</p> <p>This shall be accompanied by a separate letter confirming the availability of the key resources for the duration of the project. It must be noted that team members may only be replaced with individuals of equal or higher level of competence, after Client approval.</p>	<p>As per the Works Information</p> <p>15ENG GEN-3012</p> <p>Table 6 of this Document</p>	5	Comprehensive organogram and letter of commitment submitted indicating sufficient resources available to execute the full works for the duration of the project.	Comprehensive organogram submitted indicating sufficient resources available to execute the full works for the duration of the project.	Substandard organogram submitted indicating insufficient resources if a substandard organogram is provided with or without a letter of commitment indicating sufficient resources available to execute the full works during the duration of the contact	No submission made or No Organogram and only a commitment letter submitted
4	Provide detailed method Statement specifying and showing ability to perform the required works as described in	<p>As per the Works Information</p> <p>15ENG GEN-3012</p> <p>Table 7 of this Document</p>		100 % Weighted score for method statements	≥ 80% Weighted score for method statements submitted as per	≥ 40% Weighted Score for method statements	< 40% Weighted score for method

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		(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
Civil Engineering		100				
the Works Information. Listing sequence of activities (site investigation/assessment, surveys, geotechnical investigations, tools, machinery/equipment, skills, specialists, and general labour etc as defined in Table 7 .		35	submitted as per table 7 detailed enough to demonstrate the capability to successfully execute the works	table 7 detailed enough to demonstrate capability to successfully execute the works	submitted as per table 7 detailed enough to demonstrate the capability to execute the works successfully	statements submitted as per table 7 detailed enough to demonstrate the capability to execute the works successfully

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	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Compliant	Compliant with Associated Qualifications	Non-Compliant	Totally Deficient or Non-responsive
			(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
	Civil Engineering		100				
5	<p>Construction Plant (defined in Table 8 below):</p> <p>The tenderer shall provide a plant list indicating the application i.e. which plant will be utilized as per the chosen methodology described in the Method Statements.</p> <p>Furthermore, indicate either the Contractors' possession of plant and/ or hiring agreements in place for plant and equipment for the works, to reduce start-up time/ delays during construction.</p>	<p>As per the Works Information 15ENG GEN-3012</p> <p>Table 8 of this Document</p>	15	<p>100%</p> <p>Weighted score as per table 8.</p>	<p>≥ 80%</p> <p>Weighted score as per table 8</p>	<p>≥ 40%</p> <p>Weighted score as per table 8</p>	<p>< 40%</p> <p>Weighted score as per table 8</p>
6.	<p>Provide schedule baseline plan/programme detailing how the works will be executed including lead times to complete the Scope of work timeously.</p>	<p>As per the Works Information 15ENG GEN-3012</p>	5	<p>Sound Projects schedule with all milestones</p>	N/A	<p>Project scheduled but not sound/incomplete</p>	<p>No Projects scheduled submitter/Not Relevant</p>

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		(%)	5 = 100%	4 = 80%	2 = 40%	0 = 0%
Civil Engineering		100				
	This should include the milestones completion dates.					
7.	Provide Quality Control (QCP/IPT) detailing all activities in detail and intervention points to prevent rework and quality work according to the Scope of Work (This must include the initial investigations, dam surveys, dredging of the dam and all other investigations, etc.)	As per the Works Information 15ENG GEN-3012	Provided sound QCP	N/A	QCP submitted but not sound/incomplete	No QCP submitted/not relevant

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KEY RESOURCES

The table below shows the minimum expected resources to be illustrated on the organogram and will be weighted as shown. Submitted CV's must be accompanied by proof of the qualifications in order to be accepted for scoring. Months experience will be rounded off to the next or lower full value. In order to score the following must be provided: CV's, qualification, professional registration and letter that person is employed or will be employed/contracted for the project.

Table 1: Key Resources

Key Resources						
No	Item	Weight	Score			
	Resource By Title/Position	%	5	4	2	0
			Years Experience			
1	Contracts Director	5	≥ 10	5-9	1-4	≤ 1
2	Projects Manager	10	≥ 10	5-9	1-4	≤ 1
3	Safety Health & Environment(SHE Manager)	10	≥ 10	5-9	1-4	≤ 1
4	Senior Quantity Surveyor	5	≥ 10	5-9	1-4	≤ 1
5	QA/QC Manager	10	≥ 10	5-9	1-4	≤ 1
6	Environmental Officer	10	≥ 10	5-9	1-4	≤ 1
7	Construction Manager	10	≥ 10	5-9	1-4	≤ 1
8	Senior Surveyor	10	≥ 10	5-9	1-4	≤ 1
9	Professional Bulk Earthwork Engineer/Site Agent	10	≥ 10	5-9	1-4	≤ 1
10	Professional Civil Engineer (PrEng)	15	≥ 10	5-9	1-4	≤ 1
11	Planner	5	≥ 10	5-9	1-4	≤ 1

Note that key resources needs to be professionally registered where a professional body exists and as a minimum applicable to Engineering and Project Management. The weighted score obtained from the table above is aligned to the scores of 0, 2, 4 and 5 as indicated in Table 5.

METHOD STATEMENTS

The table below illustrates the minimum requirements regarding the submission of method statements and will be evaluated based on completeness and coverage of all sections.

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Table 2: Method Statement Details

METHOD STATEMENT SUB-CRITERIA SCORING		
NR	ITEM	%
1	SITE SERVICES	35%
1.1	Channels	10%
1.1.1	Site Clearance	10
1.1.2	Topsoil Stripping	10
1.1.3	Restricted excavations, base preparation works, installation of culvert conduits and backfilling	20
1.1.4	Pipe Jacking and Horizontal drilling of drainage pipes	20
1.1.5	Construction of reinforced concrete channels	30
1.1.6	Rehabilitation Works	10
1.2	Earth Berms	10%
1.2.1	Excavations	30
1.2.2	Base Preparations Works	30
1.2.3	Shaping, Fill and Compaction	40
1.3	Access Roads	10%
1.3.1	Site Clearance Topsoil Stripping	10
1.3.2	Box cut excavations	20
1.3.3	Filling to desired levels	20
1.3.4	Installation and compaction of layer works	30
1.3.5	Rehabilitation Works	20
1.4	Fencing	5%
1.4.1	Site Clearance	20
1.4.2	Excavate for foundations and Compaction of excavated holes	20
1.4.3	Installation of poles and foundations	20
1.4.4	Installation of mesh and barbed wire	20
1.4.5	Rehabilitation Works	20
2	DAMS (POLLUTION CONTROL DAM & REHABILITATED RUNOFF DAM)	65%
2.1	Continuous water management during construction (Including sequencing)	10
2.2	Dewatering and desilting of existing dams & Construction of temporary desilting bunded areas	10
2.3	Site clearance and topsoil stripping	5
2.4	Construction of reinforced concrete silt traps & Construction of reinforced concrete feeder pipes	10
2.5	Bulk earthworks excavation and restricted excavations for drainage systems and division wall foundation works (including installation of waste rock pioneer layer).	8

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2.6	Construction of reinforced concrete division wall for the PCD.	10
2.7	Construction of earth embankment walls including access ramps for both the PCD and RRD.	10
2.8	Installation of subsoil, leak detection and perimeter drainage systems.	7
2.9	Basin preparation works. This may entail stabilisation of basin material in unsuitable areas if encountered.	7
2.10	Construction of water-tight reinforced concrete floor system and Lining of embankments.	8
2.11	Construction of spillways, outlet channel and energy dissipation structures.	8
2.12	Construction of reinforced concrete and brickwork pump station	7
	Rehabilitation Works	
	TOTAL	100%

The weighted score obtained from the table above is aligned to the scores of 0, 2, 4 and 5 as indicated in table 5.

CONSTRUCTION PLANT / YELLOW PLANT

The table below defines the detail requirements for construction plant and equipment (yellow plant) to be available for the evaluation of the tender. In order for the tenderer to score the proof of ownership or hiring agreement must be submitted as well as the completed list to illustrate that the tenderer has access to the construction equipment.

Table 3: Construction Plant

Construction Plant						
Item No.	Item	Weight	Score			
	Construction Plant	%	5	4	2	0
1	Bull dozers	5	≥ 5	3-4	2	< 2
2	Excavator	15	≥ 7	5-6	4	< 4
3	Water trucks	10	≥ 7	5-6	4	< 4
4	ADT's large	20	≥ 7	5-6	4	< 4
5	ADT's medium	5	≥ 10	8-9	7	< 7
6	Tipper trucks	5	≥ 10	8-9	7	< 7
7	Generators Large Mobile	5	≥ 5	3-4	2	< 2
8	TLB's	5	≥ 6	4-5	3	< 3
9	Smooth/Sheepsfoot Rollers	5	≥ 6	4-5	3	< 3
10	Grader	10	≥ 5	3-4	2	< 2
11	Pumps	15	≥ 7	5-6	4	< 4

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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:
----------------	--------------

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Name:	Position: (Sole Proprietor)

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 authorised signatory:	
Designation and capacity:	
Signature of authorised 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:

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: ☐


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

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to supply cataloguing information for items. We attach the letter from the OEM confirming its position. ☐

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 authorised 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	

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
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 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;

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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/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/turstees/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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3. DECLARATION OF SHAREHOLDING / BENEFICIARY 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 / 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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Invitation to Tender

Document Identifier	240-114238630	Rev	20
Effective Date	08 November 2024		
Review Date	November 2029		

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 authorised 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

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Invitation to Tender

Document Identifier

240-114238630

Rev

20

Effective Date

08 November 2024

Review Date

November 2029

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

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

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

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

1. Application of CPA

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

2. Tender Submissions

Eskom Proposed CPA breakdown for Local Goods and Service

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

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

Eskom CPA Conditions/Requirements

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

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

3. BASE DATE AND BASE PRICE

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

4. CPA FOR PROFESSIONAL SERVICES


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

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

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ANNEXURE F

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

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

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

1. Application of CPA

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

2. Tender Submissions

Eskom Proposed CPA breakdown for Imported Goods and Service

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

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

Eskom CPA Conditions/Requirements

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

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

3. **BASE DATE AND BASE PRICE**

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

4. **CPA FOR PROFESSIONAL SERVICES**

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

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PAYMENT OF FOREIGN COMMITMENTS

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

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

Tenderers:-

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

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

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

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

Payment Method 1A:

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

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

Documentation to be submitted with payment:

- Commercial invoice (from the foreign supplier)

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Import payments

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

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

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

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

Service- related payments

Documents to submit with payment:

- Commercial invoice (invoice from the overseas supplier)

OR

Payment Method 1B:

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

Please note:


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

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

Documents to submit with payment:

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

Import payments

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

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

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

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

All documents submitted to Eskom should not have any alterations.

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

Service-related payments

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

Documents to submit with payment:

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

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

OR

Payment Method 2:

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

Please note:

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

Documents to submit with payment:

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

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

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

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NB: Evidencing transport of the relative goods to the Republic

- Local invoice or Tax invoice

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

OR

Fixed ZAR Option (Payment Method 3)

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

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

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

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

Documents to submit with payment:

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

Import payments

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

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

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

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

Documents to submit with payment:

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

NB: If a supplier is unable to produce or provide Eskom with a commercial invoice, the contract will be concluded in RAND's Not in Currency and cannot be linked to any Exchange Rate.

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

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

Take note of the following:

Service-related payment:

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

1) Secondment

In this approach, the foreign specialist retains their employment contract with their home unit

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

Documents to be attached for payment:

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

2) **Payroll Transfer**

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

PART 2: EXCHANGE RATES

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

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

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

ANNEXURE G1

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SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where:

x is the imported content in Rand

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

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

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

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

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

Description of services, works or goods	Stipulated minimum threshold
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

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.

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

.....
NB

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

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

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

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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: _____

Annexure G2- _Local content Declaration-Summary Schedule (annex C)



Adobe Acrobat
Document

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



Adobe Acrobat
Document

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



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Document

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ANNEXURE H

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MWP2959PS	CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	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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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 I

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 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 90/10 preference point system.
- b) The 90/10 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.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:


	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

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:

90/10

$$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

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

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

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3.2.1. POINTS AWARDED FOR PRICE

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

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = 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:
- 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

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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 claimed (90/10 system) (To be completed by the tenderer)
1	10	
2	9	
3	6	
4	5	
5	4	
6	3	
7	2	
8	1	
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]


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:

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- 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.

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

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ANNEXURE J

SBD 4

TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. TENDERER'S DECLARATION

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

[YES/NO]

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


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

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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
.....
Position	Name of bidder

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