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**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER (ITT)**

**FOR**


**Unit 1-6 Refurbishment of HP bypass powerpack for a  
period of 5 years**

<b>Tender number</b>	<b>MPKRI11317GX</b>
<b>Issue date</b>	<b>10 January 2025</b>
<b>Closing date and time</b>	<b>17 February 2025 at 10h00</b>
<b>Tender validity period</b>	<b>90 days from the closing date and time</b>
<b>Tender Clarification meeting</b> (non-compulsory)	<b>Date: Tuesday, 28 January 2025</b> <b>Time: 11h00</b> <b>Use the link below for access to the meeting.</b>  <a href="#">Join the meeting now</a>  Meeting ID: 340 429 173 101  Passcode: 3im3jH2V
<b>Tender Submission</b>	<b>ESKOM TENDER BOX</b> <b>GROUND FLOOR</b> <b>NO. 10 SMUTS AVENUE</b> <b>WITBANK / EMALAHLENI</b> <b>MPUMALANGA</b>  <b>GPS Co-ordinates:</b> <b>Latitude: 25.87723S Longitude: 29.21629E</b>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites all to submit a *tender* for the Unit 1-6 Refurbishment of HP bypass powerpack for a period of 5 years Tender Closing: 17 February 2025 at 10h00

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

The tender is advertised on the Eskom Tender Bulletin ([www.eskom.co.za](http://www.eskom.co.za)) and National Treasury e-portal ([www.etenders.gov.za](http://www.etenders.gov.za)) and documents to be obtained from these websites. The enquiry documents are free of charge.

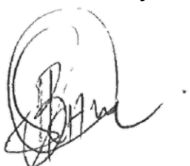
A clarification meeting is arranged per MS Teams for Tuesday, 28 January 2025 at 11h00. Make use of the links in this document to gain access the day of the meeting.

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender.

A negotiation meeting will be arranged upon receipt of your tender offer.

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

Yours faithfully



Sandile Sikhakhane  
Procurement Manager  
Kriel Power Station

Date: 2025/01/10

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### 1.1 Annexures to the Tender


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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
Commercial			
1.1.1	*Authorisation Form	Annexure A	Yes
1.1.2	*Acknowledgement form	Annexure B	Yes
1.1.3	*Tenderer’s particulars	Annexure C	Yes
1.1.4	*Integrity Declaration Form	Annexure D	Yes
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Yes
1.1.6	*SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Yes
1.1.7	*SBD 4 – Bidders Disclosure	Annexure J	Yes
1.1.8	Employment Equity confirmation	Attached	Yes
1.1.9	NEC3 SC Clause deviation schedule	Attached	Yes
1.1.10	NEC Term Service Contract, including clauses, conditions, price list and service information		Separate documents published
1.1.11	240-62044728 Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 10		
1.1.12	Code of Ethics 32-527		
1.1.13	Supplier Integrity Pact 240113650212 Rev 2 June 2028		
1.1.14	Non-Disclosure Agreement		
Supplier Development Localization and Industrialization			
1.1.15	*SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Yes
1.1.16	SDL&I Undertaking	Attached	Yes
Quality			
1.1.17	Quality Form A complete and sign		Separate documents
1.1.18	240-126469599 Method Statement template Rev 6		
Safety & Health			
1.1.19	Safety Annexure B 240-77471499 Rev 3 SHE Rules		Separate Documents
1.1.20	Safety Contractor Health & Safety Requirements 32-136		
1.1.21	Safety File Checklist 555 RSR2011		

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## 1.2. Tender Data

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is:  Name: Lesiba Makhonoana  Address: Procurement Department, Kriel Power Station  Tel: 017 615 2327  Fax: -  E-mail: <a href="mailto:MakhonLW@eskom.co.za">MakhonLW@eskom.co.za</a></p>
1.3 Enquiry documents	<p>The Invitation to tender number is: <b>MPKRI11317GX</b></p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of enquiry	<p>This invitation to tender is: An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p> <p>Multiple contracts might be awarded depending on the outcome of the evaluation and negotiation process. It is however preferred to award one contract.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> </ol>

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	<p>2. Tenderers submit more than one tender either individually or as a partner in a joint venture or consortium.</p> <p>3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</p> <p>5. Tenders signed by non- authorised persons.</p> <p>6. Any tenderer that is restricted by National Treasury.</p> <p>7. Any tenderer on the Tender Defaulters list.</p> <p>8. A tenderer that sub-contracts 100% of the Scope of Work.</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>		
2.2 -2.5 Tender Closing	<p>The deadline for tender submission is: Date : <b>Monday, 17 February 2025</b> Time: <b>10h00</b></p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <table border="1"> <tr> <td> <b>THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b> </td><td> <b><u>GPS Co-ordinates:</u></b>  <b>Latitude: 25.87723S</b>  <b>Longitude: 29.21629E</b> </td></tr> </table>	<b>THE TENDER OFFICE ESKOM TENDER BOX GROUND FLOOR NO. 10 SMUTS AVENUE WITBANK / EMALAHLENI MPUMALANGA</b>	<b><u>GPS Co-ordinates:</u></b> <b>Latitude: 25.87723S</b> <b>Longitude: 29.21629E</b>
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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>If required, the tenderer must submit an additional copy of the original tender in the specified electronic form at tender submission deadline.</p>
2.12 Tender Validity Period	The tender validity period is <b>90 days</b> .
2.15 Site visit and/or clarification meeting	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p><b>Date: Tuesday, 28 January 2025</b>  <b>Time: 11h00</b>  <b>Venue: MS Teams</b></p> <p><a href="#">Join the meeting now</a></p> <p>Meeting ID: 340 429 173 101</p> <p>Passcode: 3im3jH2V</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is 5 (five) working days before the deadline for tender submission.
2.22 Alternative tenders	<p>Alternative tenders are not allowed.</p> <p>If alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by Eskom:</p> <ol style="list-style-type: none"> <li>1. A different completion date;</li> <li>2. A different payment method;</li> <li>3. Different technical methods and specifications; and/or</li> <li>4. A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Term Service Contract.</li> </ol>
2.32 Cataloguing	Not applicable
2.33 Provision of Security for Performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.

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	The following bonds are required for this enquiry: N/A				
3.4 Tender Opening	Tenders will be opened at the same date and time as the tender deadline.				
3.5 Prices to be read out or not	Prices will not be read out				
3.9 Basic Compliance	<p>Basic compliance with this enquiry requires a tenderer to meet all the following requirements:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria;</li> <li>2. Submit a complete original tender with commercial, financial and technical information;</li> <li>3. Submit the original tender in paper form, plus a copy of the original, also in paper form; and</li> <li>4. Submit the mandatory commercial tender returnables at the stipulated deadlines</li> </ol>				
3.10 Mandatory tender returnables	<p>A tenderer that does not submit mandatory documents or the complete information required in mandatory documents by the deadlines stipulated in the Tender Returnable section will be deemed non-responsive.</p> <p>❖ <b><u>Functionality Criteria:</u></b></p> <p><b>Mandatory requirement: Technical Gatekeeper</b></p> <ol style="list-style-type: none"> <li>1. No Mandatory requirement</li> </ol>				
3.12 Functionality requirements	<p>Functionality requirements are applicable.</p> <p>The following criteria will be applicable for this transaction under functionality criteria.</p> <p><b>Qualitative Criteria</b></p> <p>The technical evaluations will form part of the functional criteria. During this process, the tender documents are evaluated against the technical evaluation criteria for functionality which will be evaluated on a minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%.</p> <p>Tenderers who meet the minimum qualifying score will move onto the next stage of evaluation.</p> <table border="1"> <tr> <td>1. Workshop/ equipment and tooling</td><td>30%</td></tr> <tr> <td>2. Experience project manager / site supervisor</td><td>10%</td></tr> </table>	1. Workshop/ equipment and tooling	30%	2. Experience project manager / site supervisor	10%
1. Workshop/ equipment and tooling	30%				
2. Experience project manager / site supervisor	10%				

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	3. Method statement (1): High-pressure power hydraulics pack unit	15%
	4. Method statement (2): High pressure power pack pump arrangement (main and booster)	15%
	5. Method statement (3): Oil accumulators and heat exchanger	10%
	6. Quality Control Plan:	10%
	7. Proof of experience the personnel on this project	10%
	<b>Total</b>	<b>100%</b>
Tenderers who do not meet the threshold for functionality scoring will be disqualified.		
3.14 Evaluation of Price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>Inclusive of VAT;</li> <li>Corrected for arithmetical errors;</li> <li>Excluding contingencies in any bill of quantities or activity schedule'</li> <li>Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and</li> <li>Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>Unconditional discounts will be taken into account for evaluation purposes.</li> <li>Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected.</li> </ol> <p>Prices will be scored out of 80/90 points</p>	
3.16 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10/20 points in accordance with the PPPFA.</p> <p>If a tenderer fails to submit evidence of its points claim for a Specific Goal, it will not be disqualified. However, it will be awarded 0 points for that Specific Goal.</p> <p><b><u>PPPFA Scoring</u></b>  <b>The following documents are required to claim preference points:</b></p>	

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	<ul style="list-style-type: none"> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> <li>Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown</li> <li>Certified ID copies of shareholder(s)</li> <li>Proof of Disability (where applicable)</li> <li>In a case of a trust, consortium or joint venture (including incorporated consortia and joint ventures), a consolidated B-BBEE status level verification certificate.</li> </ul> <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 and may only score point out of 80/90 for price.</p>								
3.17 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <ol style="list-style-type: none"> <li>the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);</li> <li>the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).</li> </ol> <p style="text-align: center;"><b>OR</b></p> <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p> <p>A maximum of 10 or 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p> <p>A maximum of 80 or 90 points is allocated for price on the following basis:</p> <p>TABLE: PREFERENCE POINT SYSTEM</p> <table border="1"> <thead> <tr> <th>Adjudication Criteria</th><th>Points</th></tr> </thead> <tbody> <tr> <td><math>P_s = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)</math></td><td>80</td></tr> <tr> <td>OR</td><td></td></tr> <tr> <td><math>P_s = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)</math></td><td></td></tr> </tbody> </table>	Adjudication Criteria	Points	$P_s = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	80	OR		$P_s = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	
Adjudication Criteria	Points								
$P_s = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	80								
OR									
$P_s = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$									

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	<div>90</div> <p><b>Where:</b> Ps = Points scored for price of Bid under consideration Pt = Rand value of Bid under consideration Pmin = Rand value of lowest acceptable Bid</p> <p>TABLE 5: BBBEE LEVEL SCORE</p> <table><tr><th>The specific goals allocated points in terms of this tender</th><th>Number of points allocated (90/10 system)</th><th>Number of points allocated (80/20 system)</th></tr><tr><td>1</td><td>10</td><td>20</td></tr><tr><td>2</td><td>9</td><td>18</td></tr><tr><td>3</td><td>6</td><td>14</td></tr><tr><td>4</td><td>5</td><td>12</td></tr><tr><td>5</td><td>4</td><td>8</td></tr><tr><td>6</td><td>3</td><td>6</td></tr><tr><td>7</td><td>2</td><td>4</td></tr><tr><td>8</td><td>1</td><td>2</td></tr><tr><td>Non-compliant contributor</td><td>0</td><td>0</td></tr></table> <p>In the event that companies submitting a joint venture or a consortium, a consolidated BBBEE certificate from an accredited verification agency must be submitted. The responsive tenderer with the highest points will be awarded the contract.</p> <p>Prequalification criteria in terms of the 2017 PPPFA Regulations: None</p>	The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	1	10	20	2	9	18	3	6	14	4	5	12	5	4	8	6	3	6	7	2	4	8	1	2	Non-compliant contributor	0	0
The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)																													
1	10	20																													
2	9	18																													
3	6	14																													
4	5	12																													
5	4	8																													
6	3	6																													
7	2	4																													
8	1	2																													
Non-compliant contributor	0	0																													
3.18 Objective Criteria	Objective criteria are not applicable																														
3.19 Reverse e-auction	Reverse e-auction is not applicable																														
Contractual Requirements	<p><u>Mandatory Contractual Requirements:</u></p> <ul style="list-style-type: none"><li>• Proof of CSD registration Proof of valid and current CSD Registration (CSD number/CSD Report)</li></ul> <p><u>Additional Contractual Requirements:</u></p> <ul style="list-style-type: none"><li>• Safety and Health compliance</li><li>• Quality Compliance</li></ul>																														

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	<ul style="list-style-type: none"> <li>• Environmental Compliance</li> <li>• Financial viability (submission of financial statements)</li> </ul> <p><u>Contractual Requirements SDL&amp;I</u></p> <ul style="list-style-type: none"> <li>• BBBEE Improvement</li> <li>• Local Production Content</li> <li>• Job Creation</li> <li>• Skills Development</li> </ul> <p><b><u>Financial Viability</u></b></p> <p>Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.</p> <p><b><u>Contractual requirements</u></b></p> <p>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>The conditions of the contract will be the NEC Term Service Contract.</p> <p>Documents/actions that are required during execution of the contract are contractual conditions and compliance thereto must be managed in terms of the contract.</p> <p><b><u>Skills Development</u></b></p> <p>Tenderers are required to submit proposals for developing the skills of unemployed candidates in the country.</p> <p><u>Note:</u> That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also</p>
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	<p>are advised to approach their relevant SETAs to access grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives.</p> <p>Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa.</p> <p>The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills.</p> <p><b><u>Job Creation</u></b> Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract.</p> <p><b><u>BBBEE Improvement</u></b> Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development.</p> <p>Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating. Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract.</p>
3.22 Sign form of Agreement/ Contractual Conditions	The conditions of contract will be the NEC: Term Service Contract.
2.28 CIDB Requirements	CIDB Requirements are not applicable

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**Please note:**

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

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

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

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

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

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


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

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

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## 1.2 TENDER RETURNABLES

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

### NOTE THE FOLLOWING: -

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

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

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

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


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

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	Original tender plus one copy, both in paper form	√		
<b>Annexure A</b>	Authorisation Form		√	
<b>Annexure B</b>	Acknowledgement Form		√	
<b>Annexure C</b>	Tenderers Particulars		√	
<b>Annexure D</b>	Integrity Pact Declaration form		√	
<b>Annexure E</b>	CPA for local goods/services (if applicable)	√		
<b>Annexure F</b>	CPA(IG) for imported goods/services (if applicable)	√		
<b>Annexure G1-G4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4			√
<b>Annexure H</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			√
<b># Annexure I</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		√	
<b>Annexure J</b>	SBD 4 – Bidders Disclosure		√	
Reverse e-auction training acknowledgement form (if applicable)				N/A
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		√	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		√	
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			√

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<b># Specific Goals</b>	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.		√	
<b>CSI</b>	2% to be negotiated			√
<b>Skills Development</b>	3 x Mechanical Fitters			√
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.			√
<b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			√
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			√
<b>CIDB (where applicable)</b>	Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer		N/A	
<b>NEC or other Contract</b>	NEC or other Contract, completed in full.  Fully completed and signed Offer and Acceptance Fully completed Contract data	√  √		√
<b>Pricing schedule</b>	Completed pricing schedule (if not already submitted in the NEC or other Contract).	√		
<b>Additional documents required (ECSA/ SACPCMP/CVs/</b>		√		

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permits/licenses/ specific registration documents (if applicable to scope of work)				
	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Mandatory Contractual Requirement</b>	<b>Proof of valid and current CSD Registration (CSD number/CSD Report)</b>			√
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)  Annexure B SHE Plan Costing for Health and Safety management Baseline SHE Risk Assessment Valid Letter of Good Standing OHS policy signed by CEO OHS Competency			√
<b>Quality</b>	Category 2 Returnables			√
<b>Other safety/quality documents as required per scope of works</b>				√
<b>Environmental</b>	Environmental Policy Environmental Aspects and Impacts Register Environmental Management Plan			√
<b>Due Diligence/financial analysis</b>	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.  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.  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.			√

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	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
Functionality/Technical	No Mandatory requirements			

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### TECHNICAL EVALUATION Table 1: Qualitative Technical Evaluation Criteria

Criteria	(%)	0	2	4	5
Valid Proof of workshop <b>ownership/lease agreement (fully signed-off by both parties)</b> with required <b>equipment and tooling</b> .	30	No required tools and no valid proof of workshop.	Only sheet with tool list with valid proof of workshop ownership or lease agreement signed by both parties.	Some equipment is shown (e.g., test bench tool, slings etc.) with valid proof of workshop ownership or lease agreement signed by both parties.	All necessary equipment and tooling are provided along with valid proof of workshop ownership or lease agreement signed by both parties
Proof of experience of the Project Manager or Site Supervisor in the maintenance or refurbished of a hydraulic oil system or plant or similar environment.	10	One year Proof attached with no references	Two to three years Proof attached with references	Four to Five years Proof attached with references	More than five years Proof attached with references
Method Statement [1] - The criterion covers the basic steps required for the refurbishment and commission of the High-Pressure oil Power pack system.	15	not clear/generic, Non-specific methodology steps	Non-specific methodology steps	Acceptable methodology steps      Specific	Clear Hydraulic oil HP Power pack Plant specific and concise
Method Statement [2] - Clearly define basic method statement or process on how the HP Bypass power pack pump arrangement (Main and Booster) will be refurbished.	15	not clear/generic	Non-specific methodology steps	Acceptable methodology steps      Specific	Clear, HP Bypass power pack pump arrangement refurbishment method statement and concise
Method Statement [3] - Clearly define basic method statement or process on how to refurbish, pressure test and leak test the Oil Accumulators and the Heat Exchanger respectively.	10	not clear/generic	Non-specific methodology steps	Acceptable methodology steps      Specific	clear, Oil Accumulators and Heat Exchanger Plant specific and concise

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Clearly step-by-step works stipulated in the Quality Control Plan, preferably three historically fully signed-off plans to be submitted/Comprehensive new templates with all stakeholders to sign-off.	10	Inadequate QCP	Including signature matrix make provision for the following personnel in your matrix, outage coordinator, Eskom QC, Contractor's supervisor only	Only showing critical steps to be done prior to work, from method statement	QCP for the repair's execution specific and short as possible with holding points where required, signature matrix of all stakeholders
Proof of experience for the personnel on this project : ➤ Mechanical Artisan/ Technician	10	Mechanical Artisan/Technician with 1 year experience and with or without certified trade certificate and signed service record.	Mechanical Artisan/Technician with 2-3 years of experience and certified trade certificate and signed service records.	Mechanical Artisan/Technician with 4-5 years of experience and certified trade certificate and signed service records.	Mechanical Artisan/Technician with 5 years or more of experience and certified trade certificate and signed service records.

FUNCTIONALITY ( Minimum threshold of 70% to be achieved to qualify		Maximum points available points – 100%
WORKSHOP/ EQUIPMENT AND TOOLING  Valid Proof of workshop ownership/lease agreement (fully signed-off by both parties) with required equipment and tooling.	The contractor must have a workshop with required equipment and tooling.	30%
	Scoring:	
	<ul style="list-style-type: none"><li>No required tools and no valid proof of workshop (0)</li><li>Only sheet with tool list and valid proof of workshop (2)</li><li>Some equipment is shown, with valid proof of workshop ownership or lease agreement signed by both parties (4)</li><li>All relevant equipment, with valid proof of workshop ownership or lease agreement signed by both parties (5)</li></ul>	

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<b>EXPERIENCE PROJECT MANAGER / SITE SUPERVISOR</b>  Proof of experience of the Project Manager or Site Supervisor in the maintenance or refurbished of a hydraulic oil plant or similar environment.– returnable – trade tests certificates, proof of relevant qualifications from testing institutions and actively working on a hydraulic oil system or plant or similar environment. Or on the job training	The criterion covers proof of general experience of the proposed <u>Project Manager</u> or <u>Site Supervisor</u> from trade test or on-job-training working on mechanical plant	10%
	Proof of experience attached with references that can be contacted.	
	Scoring: -  <ul style="list-style-type: none"> <li>• One year Proof attached with no references (0)</li> <li>• Two to three years Proof attached with references (2)</li> <li>• Four to Five years Proof attached with references (4)</li> <li>• More than five years Proof attached with references (5)</li> </ul>	
<b>METHOD STATEMENT [1]:</b>  <b>HIGH-PRESSURE POWER HYDRAULICS PACK UNIT</b>	The criterion covers the basic steps required for the refurbishment and commission of the High-Pressure oil Power pack system. They are used for the driving of the Servo or hydraulic oil driven actuators	15 %
	Scoring: Method statement will score a maximum 15%, following the criteria below	
	1. Method statement clear, specific, and concise (5) 2. Acceptable, specific steps (4)	

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	3. Method statement not clear and found generic (2)	
	4. Non-specific methodology steps (0)	
<b>METHOD STATEMENT [2]: HIGH PRESSURE POWER PACK PUMP ARRANGEMENT (MAIN AND BOOSTER)</b>	Clearly define basic method statement or process on how HP Bypass power pack pump arrangement (Main and Booster) will be refurbished.	
	Scoring: - Method statement will score a maximum 15%, following the criteria below	15%
	1. Method statement clear and concise (5)	
	2. Acceptable, specific steps (4)	
	3. Method statement not clear/generic (2)	
	4. Non-specific methodology steps (0)	
<b>METHOD STATEMENT [3]: OIL ACCUMULATORS AND HEAT EXCHANGER</b>	Clearly define basic method statement or process on how to refurbish, pressure test and leak test the Oil Accumulators and the Heat Exchanger respectively.	
	Scoring: - Method statement will score a maximum 10%, following the criteria below	10%
	1. Method statement clear and concise (5)	
	2. Risk assessment stipulated (4)	
	3. Method statement not clear/generic (2)	
	4. Non-specific methodology steps (0)	
<b>Quality Control Plan:</b>	Clearly step-by-step works stipulated in the Quality Control Plan, preferably three historically fully signed-off plans to be submitted/Comprehensive new templates with all stakeholders to sign-off.	10%

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	<ul style="list-style-type: none"> <li>QCP for the repair's execution specific and short as possible with holding points where required, signature matrix of all stakeholders (5)</li> <li>Only showing critical steps to be done prior to work, from method statement (4)</li> <li>Including signature matrix make provision for the following personnel in your matrix, outage coordinator, Eskom QC, Contractor's supervisor only (2)</li> <li>Inadequate QCP (0)</li> </ul>	
<b>Proof of experience the personnel on this project :</b>	The criterion covers proof of Mechanical Artisan/Technician experience including relevant certificate and signed off service records	
	Scoring:-  <ul style="list-style-type: none"> <li>One year experience with or without attachments (certificate and service record) (0)</li> <li>Two to three years with attachments (certificate and service record) (2)</li> <li>Four to Five years with attachments (certificate and service record) (4)</li> <li>Five years or more with attachments (certificate and service record) (5)</li> </ul>	10%

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## **CONTRACTUAL REQUIREMENTS**

Contractual requirements mean that the suppliers will submit the tender returnable during the tender close-out. The evaluation will take place once the mandatory and Functionality evaluation have been completed. Only the shortlisted tenderers who passed mandatory and functionality evaluation threshold will be evaluated. The tenderers will be given an opportunity to submit the outstanding documents within 7 working days after the first evaluation. Failure to submit the outstanding documents within the stipulated time; may result in the tenderer being regarded as non-responsive and ineligible for contract award. These requirements are for tender purpose, the successful bidder shall comply with the Health and Safety file requirements which will be issued upon contract award. No work shall commence until the health and safety file is approved.


## **SAFETY REQUIREMENTS**

<b>SAFETY AND HEALTH SAFETY AND HEALTH (Category C1)</b>	
<b>Annexure B</b>	Is the acknowledgement of <b>Eskom's OHS</b> legal and other requirements form signed and submitted by the tenderer?
<b>Safety, Health and Environmental Plan for Scope of work not limited to the following:</b>	Provide SHE Plan inline with the scope of work and the SHE Specification.
<b>Costing for Health and Safety management</b>	<p>The detailed OHS costing must be included in the Bill of Quantities, <b><i>do not submit a lump sum.</i></b></p> <ul style="list-style-type: none"> <li>• The costing must be based on the overall scope of work/service to be performed.</li> <li>• The scope of work and the risk assessment may serve as a guideline.</li> </ul>
<b>Baseline SHE Risk Assessment (BRA)</b>	<p>Provide baseline risk assessment inline with the scope of work.</p> <ul style="list-style-type: none"> <li>• The methodology used for the risk assessment must be provided together with the BRA</li> </ul>
<b>Valid Letter of Good Standing (COIDA or equivalent)</b>	Provide the valid letter of good standing or equivalent.
<b>OHS policy signed by CEO</b>	Comply to OHS Act Section 7
<b>OHS Competency</b>	<p>Provide the CV's, training certificates, qualifications, and professional registrations.</p> <ul style="list-style-type: none"> <li>• Safety officer.</li> <li>• Incident investigator</li> <li>• Risk assessor</li> </ul>


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	<b>Supplier Quality Management:</b> <b>List of Tender Returnables Documents</b>		Unique Identifier	240-12248652
			Revision	7
			Effective Date	2022/01/26
			Specification	240-105658000
<b>Category 2 : Quality Requirements</b>		Deliverables to be evaluated indicator = 1		
<b>SECTION A : Quality Management System Requirements ISO 9001</b>				
<b>(Option 1) Valid certification of Quality Management System by an ISO accredited body</b>				
				<b>Apply =1</b>
A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant				1
A.2 Certificate by Approved and Authorized certification authority				1
A.3 Certification Authority has Recognized International Accreditation				1
A.4 Validity (expiry date) of certificate				1
<b>Section A Score Option 1</b>				<b>4</b>
<b>SECTION A : Quality Management System Requirements ISO 9001</b>				
<b>(Option 2) Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>				
				<b>Apply =1</b>
A.1 QMS Manual or a document that defines and describes the QMS and its scope				1
A.2 Quality Policy Approved by top management.				1
A.3 Quality Objectives Approved by top management.				1
A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015				1
A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015				1
A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015				1
A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015				1
<b>Section A Score Option 2</b>				<b>7</b>
<b>SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</b>				
				<b>Apply =1</b>
B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)				1
B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)				1
B.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)				1
B.5 Records of Management Review meetings (minutes, attendance registers e.t.c)				1
<b>Section B Score</b>				<b>4</b>
<b>SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).</b>				
<b>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</b>				
				<b>Apply (Yes=1)</b>
NB! Draft Contract/Project Quality Plan has important QA deliverables				1
<b>Section C Score</b>				<b>1</b>
<b>SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302)</b>				
<b>QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005)</b>				
				<b>Apply = 1</b>
NB! Draft/ Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done				1
<b>Section D Score</b>				<b>1</b>
<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000)</b>				
<b>Customer specific requirements &amp; other standards and required can be listed and evaluated here</b>				
				<b>Apply (Yes=1)</b>
E.1 Form A is completed and signed.				1
E.2 Add other requirements (if applicable) as per the scope of work and/ or specification				1
<b>Section E Score</b>				<b>2</b>

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## SD&L REQUIREMENTS

### Section 1: Specific Goals

A maximum of 10/20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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

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

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

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- May only score point out of 90/80 for price
- Scores 0 points out of 10/20 for specific goals

## Section 2: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

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

1. **BBBEE requirements:** All tenderers are required at a minimum maintain their BBBEE status throughout the contract period:

### 2. Local Procurement Content

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

Tenderers are required to submit their proposals in the table below.

Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

### 3. Skills development


Tenderers are required to submit proposals in a table below for developing the skills of unemployed candidates in the country. Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa

Skill type / Occupation	Eskom target	Proposed Number of Candidates
Mechanical Fitters	3	

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The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited training providers can be approached to participate in developing critical and scarce skills.

**Note:** That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives

### Section 3: SDL&I Penalty and Performance Security

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

Eskom will apply a penalty of 2.5% of the Contract Value for failure to meet SDL&I obligations.

For the duration of the contract, Eskom will retain 2.5% of every invoice (excluding VAT) as security for the fulfilment of all SDL&I Obligations. The retained amounts shall only be released to the Contractor upon:

- Eskom receives the SDL&I progress report/s from the contractor.
- Fulfilment of all SDL&I obligations by the contractor.
- Submission of an approved compliance report by SDL&I Department.


### Section 4: Reporting and Monitoring

- The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 30 (thirty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.

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- Every contract shall be accompanied by the SDL&I Implementation Schedule, which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. This will be used as a reference document for monitoring, measuring and reporting on the supplier's progress in delivering on their stated SDL&I commitments

## Section 5: Market Research

The following information demonstrates market analysis and assisted in arriving at the targets above.

<u>Current Suppliers Providing the Services</u>	Potential Suppliers:
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Open market</li> </ul>

## Section 6: General Information on Validity of Sworn Affidavits

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

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


- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner or member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements or management account. (Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)**
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

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## **ENVIRONMENTAL REQUIREMENTS**

### **Environmental Policy**

The contractor must submit an Environmental Policy. The policy should demonstrate your organization (top management)'s commitment to protection of the environment which is not only intended to prevent adverse environmental impacts through prevention of pollution, but to protect the natural environment from harm and degradation arising from the organisation's activities, products and services. The policy must also demonstrate commitment to compliance with legal and other requirements, prevent pollution and continually improve environmental performance.


### **Environmental Aspects and Impacts Register**

The contractor shall determine the aspects related to the scope of work. Aspect is an element of organization's activity, products or services which may interact with the environment and may cause negative or positive impact. While impact – refers to any change on the environment whether adverse or beneficiary. Changes to the environment, either adverse or beneficial, that result wholly or partially from environmental aspects are called environmental impacts. The environmental impact can occur at local, regional and global scales, and also can be direct, indirect or cumulative by nature. The relationship between environmental aspects and environmental impacts is one of cause and effect.

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## **ANNEXURE A**

### **AUTHORISATION FORM**

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

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

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

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

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


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

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

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## B. Certificate for close corporation

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

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

## C. Certificate for partnership

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


Name	Address	Signature	Date

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

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#### D. Certificate for Joint Venture

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

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

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

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

#### E. Certificate for sole proprietor

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

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

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

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

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## **ANNEXURE B**

### **ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons: ☐

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### **Cataloguing Acknowledgement:**

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

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

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

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**Invitation to Tender/Request for Proposal No: MPKRI11317GX**

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

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

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

**Contact details:**

<b>Tel (landline):</b>
<b>Cell phone:</b>
<b>e-mail address:</b>


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

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## **ANNEXURE C**

### **TENDERER'S PARTICULARS**

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

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

**Please complete the following:**

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


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

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	

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CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	


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

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

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

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: (*indicate selection*)

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

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## **ANNEXURE E**

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

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

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

#### **1. Application of CPA**

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

#### **2. Tender Submissions**


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

<b>SEIFSA TABLE</b>		
<b>Proportion</b>	<b>Table Used</b>	<b>Index Used</b>
25%	Construction input price index (CPI): Bars and rods of iron or steel – Table M-6	SEIFSA
5%	Transport - Table L2 (A)	SEIFSA
25%	Material – Mechanical Engineering – Table G-1	SEIFSA
30%	Labour Table C-3	SEIFSA
<b>15%</b>	<b>FIXED</b>	
<b>Total</b>	<b>100%</b>	

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

- Tenderers are required to submit CPA that is aligned to Eskom's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from Eskom's CPA proposal, and this will be considered if deemed acceptable to Eskom;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum proportion of 0.15 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 1.00
- 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.

<b>Closing date of tender:</b>	
<b>Name of tenderer:</b>	

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<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Date of signature:</b>	

### **Contract Price Adjustment should the tenderer propose differently from Eskom**

The prices will be fixed and firm for the first year of the contract and thereafter subject to CPA as per the formula below provided by the tenderer.

#### **Proposed portions to add up to 1.00**


Description of Work	Proportion	Source of Index (CPI, PPI, )	Index Table
Fixed	0.15		
<b>Total Percentage:</b>	<b>1.00</b>		

Should the contract not be awarded within 3 months after closing date, CPA will kick in after sixteen (16) months from the base date (of one month prior to enquiry closing) for commodities with prices that are less volatile. The sixteen months comprises of one (1) month prior to enquiry closing, three (3) months normal tender validity period as prescribed by the CIDB Act, and the twelve (12) months being the first twelve (12) months of the contract period.

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## ANNEXURE H

**SBD1**

### **PART A INVITATION TO BID**


<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	MPKRI11317GX	CLOSING DATE: 17.02.2025		CLOSING TIME:	10h00
DESCRIPTION	UNIT 1-6 REFURBISHMENT OF HP BYPASS POWERPACK FOR A PERIOD OF 5 YEARS				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO					

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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.**

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

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

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

#### **1.3 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>	<b>POINTS</b>
<b>PRICE</b>	80	90
<b>SPECIFIC GOALS</b>	20	10
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>	<b>100</b>

1.4 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.


1.5 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.

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

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

#### 3.2.1. POINTS AWARDED FOR PRICE: Not applicable

### 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 preference point system.)***

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The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

#### DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM


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

[TICK APPLICABLE BOX]

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- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- The information furnished is true and correct;
  - The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  - 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;
  - 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 –
    - disqualify the person from the tendering process;
    - recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
    - 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;
    - 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
    - forward the matter for criminal prosecution, if deemed necessary.

<b>SIGNATURE(S) OF TENDERER(S)</b>	
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 or decision to submit or not to submit the tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

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

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


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

Signature	Date
Position	Name of Bidder

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*(Note to tenderer: if there are deviations to the terms and conditions of the NEC document, use this form to detail the deviations. Prepare a separate document attached to this schedule if the proposed changes are extensive. No other deviations will be considered other than this schedule. If you do not have deviations, please indicate that the form is not applicable and sign on the form).*

**Do you have any deviations to the terms and conditions of the NEC3 Term Service Contract**

Yes	No
-----	----

If there are deviations, complete the table below.

Contract Clause No.	Subject of the proposed change	Proposed change	Rationale for the proposed change


**The form must be signed even if there are no deviations to the terms and conditions of the NEC3 TSC.**

Signature		Date	
Name		Position	

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## Confirmation of Employment Equity


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)

Are you currently employing more than 50 employees? <i>(indicate with a tick)</i>		Yes	No
<p>If you employ <b>more than 50 employees</b> proof of submission of the Employment Equity report to the Department of Labour (South African <i>tenderers</i> only) is required and must be attached here.</p>			
Signature		Date	
Name		Position	
<i>Tenderer</i>			

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## **SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALISATION UNDERTAKING**

It is proposed for tenderers to make undertakings to advance designated groups through local content, subcontracting and skills development commitments relevant to this tender MPKRI11317GX. It is preferred that this form be completed to indicate your acceptance/proposal.

**Eskom reserves the right to negotiate with the tenderer on these requirements and will become a contractual obligation.**

The contractor will be required to maintain or improve their B-BBEE Recognition Level for the duration of the contract.

### **SDL&I Reporting & Monitoring (contractual obligation)**

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

### **1. Local Procurement Content**

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

<b>Local Procurement Content</b>	<b>Eskom target</b>	<b>Tenderer Proposal</b>
	100%	

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

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

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

### 3. Skills Development

Tenderers are required to submit proposals for developing the skills of unemployed candidates in the country.

Skill type / Occupation	Eskom target	Tenderer Proposal

Note: That these targets for skills development candidates categorically exclude Eskom employees and registered learners. The tenderers are required to take full responsibility for the total cost of developing the requisite skills, and Eskom shall not make any financial contribution towards the fulfilment of this obligation. Tenderers also are advised to approach their relevant SETAs to access grants, subsidies, and incentives as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives.


Skills development is intended to address Eskom's core, scarce and critical skills and the scarce and critical skills. These skills are also included in a 2020 list of occupations in high demand as stipulated in the Government Gazette 43937. Candidates shall be from all provinces in the country, and their composition shall be representative of the population demographics of South Africa.

The process of developing these skills shall involve the participation by tenderers directly and through their supply network. In certain cases, the SETA's accredited

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training providers can be approached to participate in developing critical and scarce skills.

#### 4. Corporate Social Investment (CSI)

It is expected for the tenderer to participate in a contribution to the Kriel area local community initiative per invoice value.

Criteria	Eskom Target	Tenderer acceptance
CSI	2% per invoice value	

No money will be exchanged. In co-operation with the relevant Kriel Committee, the contractor will be approached to contribute the CSI value at the time towards a project on the identified list. The contractor will be directly involved.

<b>Name &amp; Signature:</b>	<b>Date:</b>
	<b>Designation:</b>
<b>Name of tendering company:</b>	

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